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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
  - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 28<sup>TH</sup> FEBRUARY 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02.PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

**1. ATTENDANCES & APOLOGIES FEBRUARY 2011 (including Leave of Absence):**

IN ATTENDANCE:

**COUNCILLORS:** S Twine .....Presiding Member  
M Harris  
C Buttfeld  
C Randall  
B Brown  
A Ellis

**OFFICERS:** Ms J Abbiss .....Chief Executive Officer  
Mr R Gorbunow ..... Director Engineering  
Mr A Hart ..... Director Corporate Services  
Mr B Gleeson ..... Director Development Services  
Mr Uwe Striepe .....Executive Manager Engineering  
Ms P Kursar .....Minute Secretary

**APOLOGIES:** K Petersen  
MJ Geurds  
T Hoyer  
A Lowry  
Mrs S van Aswegen

Members of the public - 0  
Members of the press - 0

**COUNCIL DECISION**  
**Moved Cr Harris , seconded Cr Buttfeld**  
**That Council adjourn the Ordinary Council Meeting at 7.07pm to Thursday 3 March 2011at 7pm due to a severe storm and power outage.**  
**CARRIED 6/0**

**The Ordinary Council Meeting was initiated on Monday 28 February 2011 and was adjourned to Thursday 3 March 2011 due to a severe storm and power outage.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON THURSDAY 3 MARCH 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

**1. ATTENDANCES & APOLOGIES MARCH 2011 (including Leave of Absence):**

IN ATTENDANCE:

**COUNCILLORS:** S Twine .....Presiding Member  
M Harris  
C Buttfeld  
C Randall  
B Brown  
MJ Geurds  
T Hoyer  
A Lowry  
A Ellis  
K Petersen

**OFFICERS:** Ms J Abbiss .....Chief Executive Officer  
Mr R Gorbunow ..... Director Engineering  
Mr A Hart ..... Director Corporate Services  
Mr B Gleeson ..... Director Development Services  
Mr S Wilkes .....Executive Manager Planning  
Mr T Turner ..... Manager Health & Ranger Services  
Mr Uwe Striepe .....Executive Manager Engineering  
Ms P Kursar .....Minute Secretary

**APOLOGIES:** Mrs S van Aswegen

Members of the public - 12

Members of the press - 1

**COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Harris  
That Council reconvene the Ordinary Council Meeting initiated on Monday 28 February 2011.  
CARRIED 10/0**

**2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

**2.1 Clayton Oud – 301 Lightbody Road, Mardella**

I draw your attention to the Draft Local Planning Policy No. 53 which details the method by which funding for the construction of George Street will be paid for, or recovered from the land holders upon a development application.

In the 5 year Forward Capital Works Plan adopted by Council at the previous (December 2010) Council meeting I see that Council intends on seeking funding from the Royalties for Regions country and local government fund to construct George Street.

Q As Country Local Government Fund grants are project specific, is the Shire still able to recover the grant monies from the developers and what will these recovered monies ultimately be used for?

A Yes, monies recovered from landowners in the George Street precinct will go toward the cost of constructing George Street (between Pitman Way and Larsen Road).

## **2.2 SD067/01/11 - Richard A Geiger – 175 Medulla Road, Jarrahdale**

Q1 How old is the aerial photo you presented? These questions were directed to the Planning Officer.

A1 Based on aerial photography provided by Landgate, the photograph was taken in 2009.

Q2 When were you last on site?

A2 The Planning Officer responded that he was on site early December 2010.

Q3 Did you observe the proximity of the dam base at it's closest point to the dividing fence?

A3 The Planning Officer responded that he did observe the distance between the base of the dam and the property boundary.

Q4 Do you recall telling me that Wayne Stewart spent almost \$30,000 on this project and that you could not expect him to pay more to reduce its height?

A4 The Planning Officer does not recall these specific words or figures, however he does recall there was discussion surrounding the conditional approval being recommended to Council and the practicality of being able to physically reduce the height of the wall given the slope of the existing ground level.

## **2.3 John Kirkpatrick – 77 Mead Street Byford**

Q1 How many staff are employed by the Shire?

A1 102.56 Full Time Equivalent (FTE) are employed by the Shire

Q2 How many staff are employed in the following departments:

- Engineering including outside staff
- Finance
- Planning and Building

A2 Staff numbers employed in the following departments are as follows:

- Engineering including outside staff - 37.12 FTE
- Finance – 7.86 FTE
- Planning and Building – 13.03 FTE

As the council actively supports outdoor activities such as walking, cycling and sports of various kinds, it is disappointing to see that Council does not support the cleaning up of dog faeces in our open spaces and grassed areas. The failure to clean up dog faeces poses a significant health hazard to our children.

Q3 Will the Council install or cause to be installed doggy bag stations and the relevant bins to with them to encourage people to pick up what their dog leaves behind at the entrance to parkland areas?

A3 Dispensers and doggy bags were installed as a trial in 1999 & 2001 at Briggs Park. On each occasion the dispensers were removed and stolen. The cost of each dispenser fitted and maintained for 12 months is approximately \$960. It is estimated that 13 of these units would be required, with an initial setup cost of \$12,480, subject to no thefts or damage. At this time the demand for these devices has not been identified. If a substantive demand is identified, consideration will be given to install the system, subject to available funds.

Q4 Will the council provide the necessary signage to encourage people to use these facilities?

A4 If dispensers are installed, appropriate signage will be installed. At present a number of sites have signage displayed requiring people to clean up after their dogs, detailing the penalties for non compliance.

Q5 Will the council empty any such bins provided?

A5 Yes, bins are already in place to cater for people who bring in disposable plastic bags.

With the commercial centre in the LWP land at The Glades currently out for comment, it does not appear to address the junctions of Woolandra Drive and Doley Road with Abernethy Road. I understand with the development of The Glades estate that the traffic flow will increase on Mead Street. If there is nothing done with the two intersections mentioned there will be a significant increase in the flow of through traffic coming from outside the estate being directed through the urban streets not designed for this purpose particularly Colesbrook Drive, with a lot of young families put at risk. There is currently about a new home being occupied in the estate every two days. I also believe that most of the next sub-division is pre-sold. I realise that Abernethy Road will need to be constructed in sections but a lot of the road will have no significant influence on the sub divisions east of Warrington Road.

Q6 Will the council in the next budget consider constructing Abernethy Road to address the issue of these two intersections?

A6 The Forward Capital Works Plan for roads adopted by Council shows that Abernethy Road will commence construction in 2011/12. Stage One of the Abernethy Road construction will be from Hopkinson Road to Renaud Way.

Q7 Has the council finalised the design of Abernethy Road?

A7 The design has not been finalised.

#### **2.4 SD067/01/11 - Richard A Geiger – 175 Medulla Road, Jarrahdale**

Q1 If the powerlines have been running on the boundary for 35 years, how can the boundary be incorrect.

A1 Powerlines do not necessarily delineate the location of road reserves or property boundaries.

### **3. PUBLIC QUESTION TIME:**

*Cr Geurds left the room at 7.01pm and returned at 7.03pm.  
Public question time commenced at 7.01pm*

#### **OCM031/02/11 & OCM032/02/11 - Jan Star, 230 Jarrahdale Road, Jarrahdale**

Q1 Given that the Shire has a Landscape Protection Policy area and a Town Planning Scheme amendment preventing the removal of native vegetation and a Townscape Policy pertaining to Jarrahdale Road, what is Council going to do regarding the Jarrahdale Road property where the new owner has been removing significant native trees, developing the land and placing a donga on a prominent site affecting visual amenity?

A1 Director Development Services advised that Council are aware of the issues and this is currently under investigation by compliance officers.

Q2 Is the Shire taking legal action?

A2 Director Development Services advised that the Shire is not undertaking legal action at this point in time but compliance investigations are underway as well as assessment of retrospective planning applications.

#### **CGAM041/02/11 - Clayton Oud, 301 Lightbody Road, Mardella**

Q1 I draw your attention to my question asked at the Council meeting of January 24, 2011. The answer provided at this council meeting is both vague and not relevant to the question asked and I therefore resubmit the question. The question was in relation to Royalties for Regions grants being project specific and whether or not the Shire believed that it could recover the grant monies expended on the construction of George Street from the landholders and what will the recovered grant monies ultimately be used for?

Q2 The Shire claims not to have prior records of expenditure on Lightbody Road, yet it is recorded in Council meeting minutes in both September 2006 and June 2007 that more than \$470 000 was spent on Lightbody Road between

2001 and 2006. As this figure is recorded at least twice in Council meeting minutes as recently as 2007, we must assume that it is true. Why then are records not kept of the expenditure of such large amounts of money?

- Q3 As prior re-sheetings of Lightbody Road have lasted little more than 3 years, can the Shire apply for grant monies from Royalties for Regions to apply for a bitumen seal on top of the re-sheeting? This is what the Country and Local Government Fund was meant for and it will save Council the cost of re-sheeting again in 3 to 4 years time.

The Shire President advised that the questions would be taken on notice and responded to in writing.

**CGAM041/02/11 - Kay Spencer, 312 Lightbody Road, Mardella**

I draw your attention to my question at the Council meeting of August 2010 and the Shire's response "that it would endeavour to reduce the dust to our homes from within the maintenance budget." Subsequent advice from the works department is that dust suppressant will not work without re-sheeting of the road surface in front of our homes and that there was not enough money in the maintenance budget to re-sheet the section of road in front of the homes. As the Shire now has the money in the maintenance budget, can we have dust suppressant applied to the section of road in front of our homes?

The Shire President advised that the questions would be taken on notice and responded to in writing.

**John Kirkpatrick, 77 Mead Street, Byford**

In reply to questions asked at the January OCM:

**Question 3**

About doggy bag stations and that trials have been conducted in 1999 & 2001, a lot has changed in the population since those days. It would appear that from the answer given, that the council puts money and potential theft above the welfare of the general public and children in particular. Is this correct?

**Question 5**

The answer supplied is incorrect in that the Shire has provided no bins in the parks or adjacent to them in The Glades and as such, cannot empty a nonexistent bin.

**Question 7**

The design of Abernethy Road has not been finalised. When it is finalised, will it be put out for comment by the ratepayers?

**Question for February OCM**

- Q1 How many building licences for dwellings were issued for the Byford Area in the calendar years 2009 and 2010?

It would appear that the locality funding that is currently being distributed is being granted to the various organisations in a lump sum. Previously the Shire has purchased equipment etc to avoid paying GST. It would now appear that this is to stop the various organisations are to purchase the equipment themselves and

forward the receipts to the Shire for them to then claim the GST back. This would appear to discount the funding grants by up to 10% although this is not shown in the budget figures.

Q2 Is this correct? And what will happen to the GST money recovered?

I notice after much pleading on the safety for cyclists and pedestrians that the dual use path has been pegged out in Abernethy Road at the junction with Warrington Road. I thank the Shire engineer for his efforts in trying to address the problem even though it is to be of a temporary nature until Abernethy Road is built sometime in the future.

Q3 My question is when will this path be constructed?

The Shire President advised that the questions would be taken on notice and responded to in writing.

**OCM031/02/11 & OCM032/02/11 - Graham Elliott, Chair Keysbrook North Dandalup Action Group (KNAG) Inc**

These questions below relate to the application for mining the Bassendean dune system between the Serpentine and North Dandalup rivers.

Q1 Are you aware that many of the management plans for the proposal are not in final form and others have not been seen by the major stakeholders?

A1 Yes

Q2 Do you consider that a mining operation extracting minerals across 1400Ha of a fragile dune system in full impact of our easterly winds and operating 24/7, be considered an extractive industry? This operation was originally given EPA approval on a daylight 7.00am – 7.00pm six days per week.

A2 Yes, it is considered to be an extractive industry.

Q3 Do you understand that by not applying for a mining permit it has bypassed the protective umbrella of the Mine Wardens' Court?

A3 Yes, Council is aware that the matter is not being considered under the Mining Act and as such requires a determination under the Shire's Town Planning Scheme.

Q4a Do you understand by adopting this tactic they are exempt from payments of any State or Federal royalties on 'old title land'?

A4a This is not a local government matter to be considered, rather a state and federal matter.

Q4b Do you understand this will lower the export price and reduce the profitability of other companies?

A4b This is not considered to be a relevant consideration in the determination of the applications.

- Q5 Have you read in the documentation that the company has refused payment of \$30,000 to compensate the Shire for costs involved in assessing this proposal?
- A5 Yes, Council is aware that the costs incurred have not yet been recovered to date, however this not a relevant consideration in Council determining the applications.
- Q6 How much income does the Shire expect to get from this mining operation?
- A6 If approved, fees are required to be paid each year under the Extractive Industry Local Law in accordance with Council's adopted fees and charges - presently \$4,500 to \$6,500, depending on volume of extraction.
- Q7 How much does the Shire expect that it will cost to properly monitor this mining operation over ten years?
- A7 It is unknown at this time.
- Q8 Are you aware that this company is indebted to a parent company which has massive debts and it is in turn controlled by a foreign company?
- A8 This is not considered to be a relevant consideration in the determination of the applications.
- Q9 If there are problems do you think the company would have the assets or the will to fix them?
- A9 All landowners and companies are required to comply with relevant approval conditions. It is understood that the State Government will be holding a significant performance bond.
- Q10 Are you aware that Alcoa is experiencing huge difficulties in finding enough water for its mining operations?
- A10 This is not considered to be a relevant consideration in the determination of the applications.
- Q11 Are you aware that the water extraction permit required for this mining operation to proceed would take all available water allocation in the area?
- A11 Water allocation has been considered by the Department of Water, as the regulatory authority, and it is understood that the required permit approvals have not yet been granted.
- Q12 Do you think that the hottest, driest and windiest seasons on record should be considered prior to allowing mining on a fragile dune system?
- A12 The proponent is required to establish weather monitoring systems on-site, in part due to the Shire's previous contentions to the EPA.
- Q13 Given the possibility of a serious problem associated with this mining activity why should the Shire approve the project? Why not let SAT make the decision and become responsible for its consequences?
- A13 The Shire has an obligation to determine all applications received under its Town Planning Scheme and Local Laws. If the SAT were to grant approval

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under the Shire's Town Planning Scheme and Local Law, responsibility for enforcement of all conditions would ultimately rest with the Shire.

- Q14 Have you wondered why a foreign owned mineral commodities trader would buy a controlling ownership of the lowest grade mineral sand mining project in Australia.
- A14 This is not considered to be a relevant consideration in the determination of the applications.
- Q15 Are you aware that unlike gold, there is no set price for titanium and zircon concentrates. They are sold on negotiated contracts. This would allow the export of a commodity at a lower price such that the Australian company would never show a profit, never pay any tax and never have any net assets that could be used to pay for the rectification of environmental disasters.
- A15 This is not considered to be a relevant consideration in the determination of the applications.
- Q16 Would you feel that the Shire was being ripped off if you knew that we were providing infrastructure to allow the subsidized export of a commodity and that they would pay no taxes or royalties.
- A16 The Shire is not proposing to provide any specific infrastructure to support this development, nor have any significant impact on existing infrastructure.
- Q17 Are you aware that it would cost approximately 2 million dollars to replace by desalination the wastage of 2 billion litres of ground water per year i.e. \$20 million worth of wasted water over ten years.
- A17 Water supply and allocation are the responsibilities of the relevant state government agencies.
- Q18 Given that this project is set to benefit only two landholders in the Shire and they are the lawful owners of this commodity, is it not fair that:
- They be asked to pay higher rates given that they are no longer using these lands for a rural enterprise.
  - They are held liable for any damage, discomfort or devaluation to the neighbouring properties if the mining company fails in their obligation.
  - Their properties be classified as “a dried out tailings dam” after mining and be quarantined from any future subdivision.
- A18 The rating of properties is regularly reviewed by Council. Matters between adjoining landowners are civil in nature. Any application for subdivision would need to be considered on its merits at that time and ultimately be determined by the Western Australian Planning Commission.
- Q19 Are you concerned that by setting a precedent for low grade mineral sandmining in the Shire, approximately 1000's hectares of low grade resource could be quarantined from development as a long term potential resource.
- A19 Every application needs to be considered on its merit. There is no current clear state planning framework for mineral sands extraction
- Q20 Has the Shire thought how it might gain any benefit and protection from this proposal. Has it considered demanding that:-

- Funding be provided to the Shire to allow for staff to be employed for continuous monitoring and compliance of the:
  1. Fencing of Remnant Vegetation and Rehabilitation
  2. Protection of Westcott Road Reserve
  3. Acid Sulphate increase
  4. Nutrient run-off
  5. Radiation Increases
  6. Noise Excess
  7. Dust Levels
  8. Rain Water Collection Pollution
  9. Safe conditions of local and internal Roads
  10. Draw-down of Water Table
  11. Traffic hazards associated with displaced wildlife
  12. Buffer zones from residents
  13. Protection of water and drainage routes (i.e. Balgobin Brook, Balgobin Brook South and Nambeelup Brook South) with permanent fencing prior to approval
- Suitable cash payments should be made to the affected communities e.g. Alcoa makes grants of millions of dollars to the community. A minimum amount of one million dollars/shire should be paid before mining commences with ongoing payments.
- Owners of neighbouring properties should be compensated.
- A minimum buffer of 500 metres should be made on the mining property between mining and neighbour's boundaries.
- Owners that sign up to mining should have their land rates adjusted to reflect the value of the resource that they claim ownership to. i.e. \$350,000 average per hectare.
- Owners that allow mining should have their property re-classified as a dried out tailings dam, totally unsuited to any future development and in need of ongoing checking for PASS and nutrient re-mobilization to the Peel waterways.

A20 The Shire's Local Planning Policy 30 requires Council to consider each application on its merits, having regard for net environmental, social and economic costs and benefits.

It is the applicant's responsibility to demonstrate compliance with conditions and report to stakeholders on performance. No funding has been requested to date from the applicant for the provision of staff resources at this, however this is considered to be beyond the scope of the application and assessment process.

The provision of funds for community purposes is a consideration in the determination of the applications. The provision of compensation to adjoining landowners is a civil matter.

Buffer requirements were considered by the EPA/Minister for Environment. There is no statutory framework for the Shire to impose additional buffers.

The rating of properties is regularly reviewed by Council. Applications for development approval in the future, would need to be determined on their planning merits, against the planning framework relevant at that time.

**Kathy Elliott – 556 Atkins Road, North Dandalup**

Q1 Who in the Community has been consulted regarding the revised Community Consultation Framework?

A1 The Shire is not aware that the proponent has consulted with any community stakeholders in the formulation of the revised framework. The revised framework is a relevant consideration for Council in determining the applications.

**Statement**

This company has not had any community consultation within our community since a token newsletter was posted in February 2009. This company has not advised the local community of its name change from Olympia Resources Limited to Matilda Zircon Limited which happened in July 2009. On the company's website it states under "Community" to be updated.

Q2 Who carried out the road audit survey and how long was it monitored for?

A2 The Shire is not aware of any road audit survey completed within its municipal boundaries.

*Public question time ended at 7.21pm*

**4. PUBLIC STATEMENT TIME:**

**OCM031/02/11 & OCM032/02/11 - Jan Star, 230 Jarrahdale Road, Jarrahdale**

Jan Star, Chair of the Peel Harvey Catchment Council. I am aware that Council has a policy against mineral sand mining. I also wish to make Council aware that the Peel Harvey Catchment Council did make a submission to the EPA Bulletin 1269 raising a number of concerns which included the potential for nutrient mobilisation and the need for monitoring; pasture and native vegetation retention and the need for a 2:1 area of rehabilitation to native vegetation; wetland loss and the need for adequate buffers; the need for a performance bond and long term access to the land that is leased; as well as water issues and that there should be no effect on vegetation. I trust the conditions set by the Minister for Environment resulting from the EPA Appeals Convenor's advice have been adopted as required conditions should a development approval be given. Since that time Black Cockatoos have been listed as either vulnerable or endangered under the Environment Protection and Biodiversity Conservation Act requiring Decision Making Authorities to advise the Minister of actions likely to affect black cockatoos and I just wanted to make sure that the Shire, who may be considered a Decision Making Authority is aware of this.

**John Kirkpatrick – 77 Mead Street, Byford**

There are high standard parklands and facilities that a couple of developers are putting in some estates, will the Council be able to afford to maintain them to the standard that is currently in place? Is the Council considering specified area rating to maintain them? I believe that at present the only location with this rating is the

Chestnuts in Jarrahdale. I lived there and heard no complaints about trying to maintain the water sensitive design incorporated in the design of the estate. I believe that most ratepayers would pay to maintain the standard that is currently in place if it were explained to them how it works. I certainly would as we enjoy above average parkland where I live. If area rating were collected it would need to be from the next financial year to enable a fund to be set up for each area to maintain the standard. There will always be people that will bludge on their fellow people but it may encourage other developers to lift the standard to sell their blocks.

## **5. PETITIONS & DEPUTATIONS:**

Nil

## **6. PRESIDENT'S REPORT:**

Joan Scott, a valued Councillor over a number of years passed away on Tuesday. To those that sat in this chamber with her, they would remember her as a lady of spirit who would take on anyone to progress what she believed in. She will be sadly missed and our thoughts are with her husband Bruce and her family.

The past few weeks have seen horrendous fires engulf many towns and shires. As ever, our fire-fighters went to the aid of those in need. The fires at Swan were attended by our volunteer brigades, and when the Roleystone fires broke out, again our crews responded with our fire chief Dave Gossage assisting with the management of the incident. A fire on the confluence of Albany Highway and Jarrahdale Road saw vehicles recalled and fighting again, bringing the conflagration under control. Since Monday there has been 4 fires and a corridor of storm.

One of our brave fire-fighters, Pam Story from Keysbrook was injured. Having spent almost a week in hospital, she is determined to join our Incident Support Group when she is fully recovered. We build them tough in the Serpentine Jarrahdale Shire and the spirits are even tougher. Thank you to Pam and to all our emergency service people who attract such admiration from other towns and shires.

Last week the McKennas, representing their pioneering family in the Shire, were honoured at the Jarrahdale Cemetery. Doug McKenna and cousin Henry McKenna, with his son were photographed with a new plaque mounted on a large granite boulder. The plaque detailed the names and dates of many of the McKenna family who had lived and died in the area over the past hundred years. George King also attended the ceremony as his ancestors were also pioneers and had intermarried with the McKennas. The Shire was pleased to have recognised the contribution made by this widespread family to the history of the timber industry and the development of Jarrahdale and its surrounds.

A special lunchtime barbeque was held at the Serpentine Falls Park, on Friday 18th February. This was to honour Eugene Winmar who has served for 40 years in the Department of Environment and Conservation (DEC). However DEC is a relatively new title and Eugene has seen many changes of department name during his working life. When he started at 22 years of age in 1971, it was called the 'Forest Department', later with a change or two, it was named CALM, standing for Conservation and Land Management, and now with a different focus he serves in DEC. About 20 of his colleagues enjoyed the celebration with the resident kangaroos coming to see if any carrots, apples or pieces of bread would come their way from the party.

Cr Randall and I were in the Legislative Assembly Chamber last Tuesday, when the Minister for Education and Tourism, Elizabeth Constable MLA, read out the good news that a new primary school will be built in West Byford for the 2013 school year.

## 7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Harris declared an interest in common in item SD082/02/11 as she lives in that particular area of the Shire. This will not affect the way she votes on the matter.

Cr Randall declared an interest in common in item SD083/02/11 as she owns land in the area. Cr Randall will leave the room when the item is considered.

Cr Geurds declared an interest of impartiality in item OCM036/02/1. Cr Geurds will leave the room when the matter is considered.

Cr Twine declared an interest in common in item OCM035/02/11 as she is a member of the Jarrahdale Heritage Society and also lives in that particular area. This will not affect the way she votes on the matter.

Cr Petersen declared an interest in common in item OCM035/02/11 as she is a member of the Jarrahdale Community Association. This will not affect the way she votes on the matter.

The Chief Executive Officer declared an interest in common in item OCM031/02/11 and OCM032/02/11 as her residence is in the Keysbrook area.

Cr Buttfield declared an interest in common in items OCM031/02/11 and OCM032/02/1, although she is not required to do so. Cr Buttfield has family that live in the locality of Keysbrook.

Cr Lowry declared a financial interest in item OCM034/02/11 as she owns property in the structure plan area. Cr Lowry will leave the room when this item is considered.

## 8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

### 8.1 Ordinary Council Meeting – 24 January 2011

Moved Cr Brown, seconded Cr Harris

The *attached (E11/354)* minutes of the Ordinary Council Meeting held on 24 January 2011 be confirmed.

**CARRIED 10/0**

### 8.2 Annual Electors Meeting – 8 February 2011

Moved Cr Brown, seconded Cr Ellis

The *attached (E11/571)* minutes of the Annual Electors Meeting held on 8 February 2011 be confirmed.

**CARRIED 10/0**

**REPORTS OF COMMITTEES:**

SD076/02/11 FINAL ADOPTION OF SCHEME AMENDMENT NO. 166 – REZONING OF LOT 782 WALKER ROAD, SERPENTINE FROM ‘RURAL’ TO ‘FARMLET’ (A1835)		
Proponent:	Gray & Lewis Land Use Planners	In Brief  Report on outcome of public consultation with regard to Scheme Amendment No. 166 to rezone Lot 782 Walker Road, Serpentine from “Rural” to “Farmlet”. It is recommended that the amendment be adopted subject to modification.
Owner:	Crossdale Nominees Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	6 January 2011	
Previously	SD125/04/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 29 June 2009  
 Lot Area: 12.75 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Farmlet  
 Rural Strategy Overlay: Future Structure Planning Area  
 Date of Inspection: 14 January 2010

**Background**

At the Ordinary Council Meeting held on 27 April 2010, Council resolved to initiate Amendment No. 166 which proposes to rezone Lot 782 Walker Road, Serpentine from “Rural” to “Farmlet”.

Amendment 166 was advertised for public comment including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report. This report provides Council with the opportunity to consider the amendment for final approval.

***A locality plan and aerial photograph is with the attachments marked [SD076.1/02/11](#)***

***A copy of the Subdivision Guide Plan is with the attachments marked [SD076.2/02/11](#)***

***A plan showing the existing and proposed zoning is with the attachments marked [SD076.3/02/11](#)***

**Sustainability Statement**

***Effect on Environment:*** Rezoning of the property to Farmlet may enable the preservation, rehabilitation and enhancement of the property. The areas of remnant vegetation can be protected and additional revegetation can be undertaken on the property; this will assist in protecting biodiversity values and enable the protection of existing animal habitats and provision of additional habitats. The proposal will also enable controls to be placed on land

uses able to be carried out on the land which will provide additional protection for groundwater and the Peel Harvey Coastal Plain Catchment.

The requirement for the preparation and implementation of a Stormwater Management Plan will enable the protection of an existing watercourse on the property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse. The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

**Economic Viability/Benefits:** The proposal will preserve and enhance biodiversity (through revegetation and weed management) and reduce land and waterway pollution (through better drainage management, the use of ATUs for effluent disposal and the implementation of land use controls). The subdivision will require the upgrading of a portion of Walker Road by the subdivider to current standards at no cost to the community.

**Social and Environmental Responsibility and Social Diversity:** The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area.

**Statutory Environment:** Metropolitan Region Scheme (MRS)  
Planning and Development Act 2005  
Town Planning Regulations 1967  
Town Planning Scheme No 2 (TPS 2)  
Shire of Serpentine Jarrahdale Rural Strategy

**Policy/Work Procedure Implications:** Local Planning Policy (LPP) 9 - Multiple Use Trails  
LPP 22 - Water Sensitive Urban Design  
State Planning Policy (SPP) 2.1 - Peel-Harvey Coastal Plain Catchment

**Financial Implications:** The applicant has paid the amendment fee.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
		Restore	Incorporate environmental protection in land use planning.
			Establish and enhance waterways and bush corridors.
	Integrated Water Cycle Management	Quantity	Establish increased levels of natural vegetation in urban and rural environments.
			Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
		Promote and implement water conservation and reuse.	Promote and implement water conservation and reuse.
			Identify and implement opportunities for detention and storage of stormwater.
			Protect and develop natural and man-made water sources.

		Quality	Improve and maintain surface and ground water quality.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			Enforce the adoption of "better urban water management".
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		Rural Land	Ensure the built form complements and enhances the rural environment.
		Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
	<b>Infrastructure</b>	Water Management	Promote, implement and celebrate best practice integrated water cycle management.
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
<b>PEOPLE AND COMMUNITY</b>	<b>Places</b>	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.

### Environmental Protection Authority (EPA)

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the Amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986.

### Community Consultation

The Amendment was advertised for public comment and referred to relevant government authorities for 42 days with the advertising period closing on 24 September 2010. Advertising was undertaken in the following manner:

- Adjacent landowners and relevant government agencies were advised in writing of the proposal;
- Notices were placed on Council's notice boards;
- The proposal was made available on the Shire's website;
- An advertisement was placed in the Examiner newspaper; and
- One sign was erected on site and another erected on the corner of Walker Road and Gull Road.

Resulting from this, six (6) submissions from government referral authorities and two (2) public submissions were received. It is noted that one of the public submissions was from the proponent.

***A schedule of submissions is with the attachments marked [SD076.4/02/11](#) (E10/5706)***

### COMMENT

#### Site Characteristics

Lot 782 is 12.755 hectares in area and is located approximately 1.5 kilometres from the centre of the Serpentine town site. It has an approximate frontage of 316 metres to Walker Road and an approximate depth of 396 metres. Walker Road extends between Gull Road to the north and Karnup Road to the south, although it is largely unconstructed.

The majority of Lot 782 has been parkland cleared. There are no improvements or structures on the property other than a dam in the south western corner and an open drainage channel dissecting the north-west corner of the property. The land to the west of Walker Road is used for broad scale rural uses.

### Proposal

The landowner has engaged a consultant to submit a request to amend Council's TPS 2 as follows:

1. Rezoning Lot 782 Walker Road, Serpentine from "Rural" to "Farmlet";
2. Amending the Scheme Map by delineating Lot 782 Walker Road, Serpentine within the Farmlet zone and identifying it as F14; and
3. Including a number of provisions within Appendix 4C – Farmlet zone of TPS2.

The draft Subdivision Guide Plan (SGP) depicts the creation of three 4.17 hectare 'Farmlet' lots all with frontage to Walker Road. The draft SGP is intended to demonstrate how the land may be developed in the future and provide a planning context for the proposed amendment. A formal determination on the SGP is required as part of this report to Council.

The applicant has provided the following justification in support of the application:

- *Lot 782 Walker Road is ideally located for Farmlet living due to the proximity to the Serpentine Town site and service infrastructure, including reticulated water; the large area of sand ridge and soils over the majority of the property that have a high capability for further subdivision and on-site effluent disposal; the excellent visual amenity of the property due to its higher elevation; and the presence of remnant vegetation on site.*
- *The property is situated only 1.5 kilometres from the Serpentine town site and is therefore close to all community facilities normally associated with an existing town site.*
- *There is a rapidly growing demand for smaller lots sizes in proximity to the Serpentine town site.*
- *The subject site adjoins existing Farmlet zones to the north, south and east.*
- *The proposal is in keeping with the provisions and requirements of the Shire's TPS 2 and the Rural Strategy.*

### Statutory Framework

#### Zoning

Lot 782 Walker Road is currently zoned 'Rural' under the MRS and 'Rural' under the provisions of TPS 2. The land directly to the north, south and east of the subject site is zoned 'Farmlet' under TPS 2.

#### Rural Strategy

The Serpentine Jarrahdale Shire Rural Strategy includes the subject site within the 'Farmlet' Policy Area. The policy defines farmlets as:

*“...small farms that may be used for commercial production, alternative agriculture, and some intensive agriculture, or hobby pursuits in association with productive rural lifestyles. They also provide even greater sense of space and privacy and may be considered by some buyers as rural ‘retreats’.”*

The policy stipulates that the intention of the Rural Strategy is “to keep land release for Farmlets at a minimum and exclude Farmlet development outside the Farmlet Policy Area”. In addition, the minimum lot size supported within the Farmlet policy area is 4.0 hectares. The proposed SGP complies with this requirement and the Rural Strategy.

#### Draft LPP 23 – Serpentine Planning Framework

Although the proposed amendment is in line with the requirements of the Shire’s Rural Strategy, consideration needs to be given to any relationship between the proposed amendment and Council’s draft LPP 23 *Serpentine Planning Framework*. Draft LPP 23 requires that a District Structure Plan be prepared for Serpentine before any subdivision within Serpentine can occur. Further, the subject property is located within the area that is ‘subject to future structure planning’ under the Rural Strategy.

However, given that the subject lot is already located within the ‘Farmlet’ policy in the Rural Strategy as adopted by Council, it is considered that the proposed amendment can proceed without a District Structure Plan in place for Serpentine.

#### SPP 2.1 - Peel-Harvey Coastal Plain Catchment

The subject lot is situated within the Peel-Harvey Catchment and as such any proposed intensification of agricultural activities requires consultation with the Department of Environment and Conservation (DEC) and the Department of Agriculture and Food to ensure that the use of the land does not involve excessive nutrient application. An appropriate provision in this regard has been included within the officer recommendation.

#### Scheme Provisions

The applicant has requested a number of changes to the draft scheme provisions adopted by Council. This was on the basis of a recent decision by the Minister for Planning regarding scheme provisions that are considered appropriate in the Shire’s TPS 2. (Amendment 160).

***A copy of the scheme provisions as adopted by Council at the Ordinary Council Meeting held on 27 April 2010 is with attachments marked [SD076.5/02/11](#)***

A summary of the changes requested by the applicant, together with relevant officer comments, are detailed below. Note that these comments are also provided within the schedule of submissions.

Provision No.	Applicant’s Request	Officer Comment
1	To remain	Agreed
2	To remain	Agreed
3	To remain	Agreed
4	To remain	Agreed
5	To remain	Agreed
6	To be modified to delete the following sentence:  <i>“Vegetation planted and remnant vegetation must be</i>	Agreed.  The provision will be modified to read:  <i>”The keeping of horses, sheep, goats, cattle</i>

Provision No.	Applicant's Request	Officer Comment
	<i>fenced from grazing livestock in order to protect vegetation”.</i>	<i>or other grazing animals, where permitted shall be subject to the prior written approval of Council. The keeping of horses is restricted to a maximum of one (1) horse per lot and such horse shall be required to be stabled overnight to the satisfaction of the Shire. Approval to keep other animals shall not exceed the stocking rates recommended by Department of Agriculture and Food for the applicable soil types”.</i>
7	To remain	Agreed
8	To remain	Agreed
9	To be deleted	Disagree.  This provision requires the preparation of a Building Envelope Plan prior to clearance of the subdivision. Although this requirement will be replicated as a condition of subdivision, it is considered important to retain as a Special Provision and is a standard requirement for Farmlet type developments.
10	To be modified to delete the following sentence:  <i>“....in accordance with the Subdivision Guide Plan, to plant indigenous trees, shrubs, ground cover and aquatic plants in areas for visual screening and not less than 1800 stems per hectare within and along water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner. This plan should also address the design of the 6.0 metre wide Multiple Use Trail to enable retention of vegetation wherever possible and revegetation of areas within the portion designated within the Walker Road road reserve”.</i>	Partially agree.  On the basis that without the prior preparation of a Landscape and Vegetation Management Plan specifically for this land parcel, it would be inappropriate and premature to impose such a specific planting requirement. This change was required by the Minister in respect of Amendment 160.  However, the requirement for the Landscape and Vegetation Management Plan to address the design of the 6.0 metre wide Multiple Use Trail to enable retention of vegetation and the revegetation of areas within the portion designated within the Walker Road road reserve should remain.  It is therefore recommended that provision 10 be reworded as follows:  <i>“The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan. This plan should also address the design of the 6.0 metre wide Multiple Use Trail to enable retention of vegetation wherever possible and revegetation of areas within the portion designated within the Walker Road</i>

Provision No.	Applicant's Request	Officer Comment
		<i>road reserve</i> ".
11	To be deleted	Agreed
12	To be deleted	Agreed
13	To be deleted	<p>Disagree.</p> <p>This is the only provision relating to the drainage of the property and stormwater management on site and is a requirement of the Shire's Town Planning Scheme No.2 as per clause 5.13.7(e).</p>
14	To be deleted	<p>Disagree. The draft Subdivision Guide Plan proposed two Multiple Use Trails (MUT): one within proposed Lot 1, adjacent to the southern property boundary (private land) and the other within the Walker Road road reserve (public land).</p> <p>With respect to the MUT within private land there are 3 important points to consider. Firstly, the Minister considered it unreasonable and unequitable to require a single land owner to cede and construct a MUT within their property, which is to be used by the broader community, without compensation.</p> <p>Secondly, given that such a trail would also allow public access in close proximity to future dwellings, the need for safety afforded by good public surveillance needs to be considered. In the case of Amendment 160, the location of the MUT did not satisfy this need. It is considered that in respect to this amendment, the MUT along the southern boundary of the site will not satisfy this need to the Minister's satisfaction either. If access for fire and emergency services is needed along this boundary, then this can be addressed as part of the Fire Management Plan required by provision 5.</p> <p>Thirdly, the removal of the proposed MUT within private land was also a change required by the Minister in respect of Amendment 160. As such, the proposed MUT on Lot 782 Walker Road will no longer connect into a trail to the east and would result in a dead-end if constructed.</p> <p>The issues mentioned above, specifically in relation to equity and surveillance, were not issues raised by the Shire as the provision of</p>

Provision No.	Applicant's Request	Officer Comment
		<p>a MUT for Amendment 160 was considered reasonable by Council. In the end though, Council's decision was over-ruled by the Minister. Given the Minister's recent decision regarding Amendment 160, a similar determination is likely to be made in respect to L782 Walker Road. It is important to note that the decision by the Minister to remove the trail from L5 Karnup Road has impacted upon the provision of trails in the entire area. The proposed trail on L782 Walker Road can no longer link in with the proposed MUT network to the east, as the MUT to the east was removed by the Minister under Amendment 160.</p> <p>With respect to the proposed MUT within the Walker Road road reserve, it is recommended that this remain as none of the issues raised above are relevant for this portion of MUT. However, to ensure that the construction of this MUT within the road reserve doesn't impact on existing vegetation or services, detailed engineering drawings of this MUT will be required at subdivision stage. In addition this MUT can only be constructed within the road reserve where it abuts L782 and will not provide a link to Gull Road until adjoining properties are subdivided.</p> <p>It is therefore recommended that the Subdivision Guide Plan be modified to remove the MUT from within Lot 782 Walker Road and provision 14 be modified as follows:</p> <p><i>"The Multiple Use Trail within the Walker Road road reserve shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan".</i></p>
15	To remain	Agreed
16	To be deleted	<p>Agreed.</p> <p>Given the nature of the development and the limited soil disturbance that will occur on site, the requirement for this notification is not needed.</p> <p>This change was required by the Minister in respect of Amendment 160.</p>

Options Available to Council

There are three main options available to Council in respect to this application. These are:

- Adopt the amendment without modification;
- Adopt the amendment subject to modifications; or
- Refuse to adopt the amendment.

The officer recommendation with respect to this application is consistent with option (b) above.

Conclusion

The rezoning of Lot 782 Walker Road, Serpentine from ‘Rural’ to ‘Farmlet’ is in keeping with the intention of the Rural Strategy and is within the ‘Farmlet’ policy area. The draft SGP indicates the creation of three ‘Farmlet’ lots, each 4.17 hectares in size.

Future development of the subject site will be required to conform to the requirements of TPS 2 and the Rural Strategy, as well as the requirements of regulatory agencies such as the Department of Health, the DEC and the WAPC. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies.

It is therefore recommended that Scheme Amendment No. 166 to rezone Lot 782 Walker Road, Serpentine from ‘Rural’ to ‘Farmlet’ be adopted by Council subject to modifications.

Voting Requirements: Simple Majority

SD076/02/11 Officer Recommended Resolution:

- A. Council resolves pursuant to Section 75 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 be amended as described below:**
- i) Rezoning Lot 782 Walker Road, Serpentine from “Rural” to “Farmlet”.
  - ii) Amending the Scheme Map by delineating Lot 782 Walker Road, Serpentine within the Farmlet Zone and identifying it as F14.
  - iii) Including Lot 782 Walker Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
14.	Lot 782 Walker Road, Serpentine	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation</p>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>Home Occupation Rural Use Stables (refer clause 6 below)</p> <p>All other uses are prohibited.</p> <ol style="list-style-type: none"> <li>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</li> <li>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</li> <li>4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</li> <li>5. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</li> <li>6. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. The keeping of horses is restricted</li> </ol>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>to a maximum of one (1) horse per lot and such horse shall be required to be stabled overnight to the satisfaction of the Shire. Approval to keep other animals shall not exceed the stocking rates recommended by Department of Agriculture and Food for the applicable soil types.</p> <p>7. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>8. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>9. Prior to the clearance of the subdivision, the subdivider shall prepare a building envelope plan to the satisfaction of Council. All buildings and effluent disposal systems to be located within the building envelopes defined on the approved Building Envelope Plan unless otherwise approved in writing by the Council.</p> <p>10. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan. This plan should also address the design of the 6.0 metre wide Multiple Use Trail to enable retention of vegetation wherever possible and revegetation of areas within the portion designated within the Walker Road road reserve.</p> <p>11. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Stormwater Management plan approved by Council prior to the commencement of on-the-ground-works. Any easements and/or reserves shall be provided</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>12. The Multiple Use Trail within the Walker Road road reserve shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</p> <p>13. The subdivider to upgrade Walker Road where it abuts Lot 782 to the satisfaction of Council.</p>

- B. The applicant be advised that they are required to undertake the following to the satisfaction of the Director Development Services:**
- i) Include the textual provisions within the Scheme amendment documents as adopted by Council.
  - ii) Modify the proposed Subdivision Guide Plan by deleting the proposed Multiple Use Trail adjacent to the southern property boundary.
- C. Council endorses the schedule of submissions in *Attachment SD076.4/02/11* prepared in respect of Amendment No.166 to Shire of Serpentine-Jarrahdale Town Planning Scheme No.2.**
- D. Council adopts the Subdivision Guide Plan, accompanying Amendment No.166, subject to the following modification:**
- i) The proposed Multiple Use Trail adjacent to the southern property boundary to be deleted.
- E. Subject to part B being undertaken to the satisfaction of the Director Development Services, Council authorises the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.**
- F. Council advises those persons who lodged a submission during the comment period of Council's decision.**
- G. A report be prepared to Council on the future threats to the orderly and proper planning of the Shire's trails network as a result of planning decisions by the Western Australian Planning Commission and Minister for Planning.**

**Cr Twine advises she wishes to withdraw this motion.  
CARRIED 7/0**

**SD076/02/11 Committee Recommended Resolution:**

**That item SD076/02/11 be deferred to the February Ordinary Council Meeting in order to give officers time to respond to various queries regarding stocking rates, the inclusion of multiple use trails and related scheme provisions.**

**CARRIED 7/0**

**Committee Note:** The motion was amended to allow officers time to investigate stocking rates, the inclusion of multiple use trails and related scheme provisions, to alleviate concerns of Councillors regarding long term development of the trails network and stocking rates on farmlot properties.

## **SUPPLEMENTARY REPORT**

### **Stocking Rates**

In relation to stocking rates, the previous information was provided in the 27 April 2010 Council Report when the initiation of the subject amendment was supported:

*“The subject land is part of the Bassendean system with the soil type identified predominantly as B1 within the Stocking Rate Guidelines for Rural Small Holdings document as published by the Department of Agriculture and Food. This soil type corresponds with the stocking rate unit code SR3 and a recommended dry stocking rate of 2DSE/ha or 0.2 horses per hectare. The SR3 stocking rate unit code also states that the irrigated stocking rate is 10DSE/ha or 1 horse per hectare.*

*The low stocking rate associated with this particular soil type will make it difficult for more than one horse to be sustained on the land at all. If the land cannot be irrigated, then on a property of size 3.7 hectares (excluding the required 0.4ha of building envelope) with a dry stocking rate of 2DSE/ha, a single horse will need to be stabled for a minimum of 7 hours per day in order to be kept. The 3.6 hectares of land does not take into account the area of land set aside for revegetation. Therefore, it is considered that each proposed 4.17 hectare lot could only sustain a maximum of one horse”.*

As stated above, an assessment of the land in accordance with the Department of Agriculture’s Stocking Rate Guidelines for Rural Small Holdings document indicates that one (1) horse can be kept on each 4 hectare lot if stabled for 7 hours per day. If two (2) horses were to be kept then they would need to be stabled for 15 hours per day. These figures are based on non-irrigated land.

If a portion of the land can be irrigated, which would require a groundwater extraction licence from the Department of Water, then two (2) horses could be sustained comfortably on each lot. However, the provision of a licence is not guaranteed. As such, and to help prevent additional impacts on existing vegetation, one (1) horse per lot is recommended.

However, Council can consider increasing this to two (2) horses per lot if considered suitable and would therefore need to modify provision 6 as follows:

***The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. The keeping of horses is restricted to a maximum of two (2) horses per lot and shall be required to be stabled overnight to the satisfaction of the Shire. Approval to keep other animals shall not exceed the stocking rates recommended by Department of Agriculture and Food for the applicable soil types.***

### **Multiple Use Trails**

Prior to granting final approval for Amendment 160, which rezoned Lot 5 Karnup Road, Serpentine from ‘Rural’ to ‘Farmlet’, the Minister for Planning required that the Special Provision relating to the construction of Multiple Use Trails be deleted. The reasons for this have been discussed previously.

Under the Shire’s LPP 9, a proposed trail network is shown to link Walker Road with Karnup Road by going through Lot 782, through an adjoining property to the east and then through Lot 5. This link could only be provided if each of these properties were to give up land for a trail at subdivision stage. However, given that the Minister has removed any requirement for a trail to be constructed on Lot 5, the proposed trail on Lot 782 will now result in a dead end. It is for this reason that the proposed trail within Lot 782, as shown on the draft SGP, is proposed to be removed.

However, if Council is of the opinion to retain this portion of trail, then provision 12 will need to be modified as follows:

***Multiple Use Trails within the property and the Walker Road road reserve shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.***

In addition, if the trail within Lot 782 is to be retained then parts B(ii) and D(i) of the officer recommendation needs to be deleted.

**SD076/02/11 COUNCIL DECISION / Alternate Resolution:**

Moved Cr Hoyer, seconded Cr Randall

A. Council resolves pursuant to Section 75 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 be amended as described below:

- i) Rezoning Lot 782 Walker Road, Serpentine from “Rural” to “Farmlet”.
- ii) Amending the Scheme Map by delineating Lot 782 Walker Road, Serpentine within the Farmlet Zone and identifying it as F14.
- iii) Including Lot 782 Walker Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
14.	Lot 782 Walker Road, Serpentine	1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.  <b>Use classes permitted (P)</b> Single House Public Recreation Public Utility  <b>Discretionary Uses (AA)</b> Ancillary Accommodation Home Occupation Rural Use Stables (refer clause 6 below)

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>All other uses are prohibited.</p> <ol style="list-style-type: none"> <li>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</li> <li>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</li> <li>4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</li> <li>5. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</li> <li>6. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. The keeping of horses is restricted to a maximum of two (2) horses per lot and shall be required to be stabled overnight to the satisfaction of the Shire. Approval to keep other animals shall not exceed the stocking</li> </ol>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>rates recommended by Department of Agriculture and Food for the applicable soil types.</p> <p>7. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>8. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>9. Prior to the clearance of the subdivision, the subdivider shall prepare a building envelope plan to the satisfaction of Council. All buildings and effluent disposal systems to be located within the building envelopes defined on the approved Building Envelope Plan unless otherwise approved in writing by the Council.</p> <p>10. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan. This plan should also address the design of the 6.0 metre wide Multiple Use Trail to enable retention of vegetation wherever possible and revegetation of areas within the portion designated within the Walker Road road reserve.</p> <p>11. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Stormwater Management plan approved by Council prior to the commencement of on-the-ground-works. Any easements and/or reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>12. Multiple Use Trails within the property and the Walker Road road reserve shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</p> <p>13. The subdivider to upgrade Walker Road where it abuts Lot 782 to the satisfaction of Council.</p>

**B. The applicant be advised that they are required to undertake the following to the satisfaction of the Director Development Services:**

**i) Include the textual provisions within the Scheme amendment documents as adopted by Council.**

**C. Council endorses the schedule of submissions in Attachment SD076.4/02/11 prepared in respect of Amendment No.166 to Shire of Serpentine-Jarrahdale Town Planning Scheme No.2.**

**D. Council adopts the Subdivision Guide Plan, accompanying Amendment No.166.**

**E. Subject to part B being undertaken to the satisfaction of the Director Development Services, Council authorises the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.**

**F. Council advises those persons who lodged a submission during the comment period of Council’s decision.**

**G. A report be prepared to Council on the future threats to the orderly and proper planning of the Shire’s trails network as a result of planning decisions by the Western Australian Planning Commission and Minister for Planning.**

**CARRIED 9/1**

**Council Note: The Committee Recommended Resolution was modified to require the provision of multiple use trails and to modify the stocking rates on this land.**

**COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Buttfield**

**That Items OCM031/02/11 and OCM032/02/11 be discussed out of order whilst members of the gallery are present to hear the items.**

**CARRIED 10/0**

**COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Buttfeld that the meeting be closed to members of the public at 7.44pm to allow Council to discuss confidential item OCM031/02/11 as per the Local Government Act section 5.23(2)d.**  
**CARRIED 10/0**

OCM031/02/11	<b>CONFIDENTIAL ITEM - RECONSIDERATION OF PREVIOUS DECISION TO REFUSE APPLICATION FOR INDUSTRY - EXTRACTIVE (PROPOSED KEYSBROOK MINERAL SANDS MINE) – LOT 1 ELLIOTT ROAD, LOT 52 ATKINS ROAD, LOT 63 HOPELAND ROAD AND LOTS 6, 111, 112 AND 113 WESTCOTT ROAD, KEYSBROOK (P02893/01)</b>	
Proponent:	Planning Solutions on behalf of Matilda Zircon Pty Ltd	In Brief  The State Administrative Tribunal (SAT) has invited Council to reconsider its decision to refuse the development application and, under Section 31 of the SAT Act. This report provides Council with the opportunity to consider the merits of the application and whether approval is now warranted.
Owner:	Various	
Author:	C Murphy - Senior Planner	
Senior Officer:	B Gleeson - Director Development Services	
Date of Report	14 February 2010	
Previously	SCM034/05/10	
Disclosure of Interest	The Chief Executive Officer declares an interest in common as a resident of the locality of Keysbrook.	
Delegation	<b>Council</b>	

**OCM031/02/11 Officer Recommended Resolution:**

That Council approves the application for approval to commence development of an Industry Extractive (Mineral Sands Mine) for Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook, under the provisions of Town Planning Scheme No. 2 and the Metropolitan Region Scheme subject to the following conditions:

**PLANNING**

1. This approval is limited for a period of 10 years.
2. The applicant shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment associated with the approved development are not in use they shall be located in such a manner as to minimize their view from neighbouring residents and public roads to the reasonable satisfaction of the local authority for the duration of the planning approval.

**TRANSPORT**

3. A maximum speed limit of 20 kilometres per hour shall be applied to all vehicles using internal roads, driveways and vehicle access ways within the excavation area and signs in this regard shall be displayed at the entrances to the subject site.
4. On site vehicle movements (other than movements within the excavation pit or between the excavation pit and the internal movement network) associated

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with the approved development are limited to the internal road network as identified on the approved plans.

5. Crossovers located between Lots 1, 6, 52, 111, 112 and 113 and Westcott Road reserve to be constructed in accordance with standard identified in the Transport Route Report and located to the satisfaction of the Shire.
6. Where the approved operations result in damage to local roads such damage shall be rectified at the operator's expense and to the satisfaction of the Shire.

#### **FIRE MANAGEMENT**

7. The implementation of the approved Fire Management Plan to the satisfaction of the Shire.

#### **HEALTH**

8. The implementation of the approved Mosquito Management Plan to the satisfaction of the Shire.
9. Prior to the commencement of works, the submission and approval by the Shire of a revised Noise Management Plan to include:
  - a. Identification of any new dwellings, and livestock stables as sensitive locations subject to restricted work times;
  - b. Restriction of night works until noise modelling is confirmed.
10. The implementation of the approved Noise Management Plan at all times to the satisfaction of the Shire.
11. Prior to the commencement of works, the submission and approval by the Shire on the advice of the Department of Health of a revised Air Quality and Dust Management Plan.
12. The implementation of the approved Air Quality and Dust Management Plan to the satisfaction of the Shire.

#### **VISUAL IMPACT**

13. Implementation of the approved Visual Impact Management Plan at all times to the satisfaction of the Shire.

#### **ENVIRONMENT**

14. Prior to the commencement of works, the submission and approval by the Shire of a revised Rehabilitation Management Plan.
15. Implementation of the approved Rehabilitation Management Plan to the satisfaction of the Shire.
16. Prior to the commencement of works, a report from a suitably qualified geotechnical engineer reviewing the proposed mining and rehabilitation measures shall be submitted and approved by the Director Development Services, to identify the geotechnical suitability of the land for post-mining land uses.

17. Prior to the commencement of works, the submission, and approval by the Shire, of a Fauna Management Plan that incorporates:
- Protocols for clearing and encounter procedures;
  - Procedures for dealing with injured wildlife;
  - Measures to ensure effectiveness of nest site relocation;
  - Measures to prevent/reduce proliferation of feral animals; and
  - Measures to provide a net gain in the amount and quality of foraging and nesting habitat for threatened species.

#### COMMUNITY CONSULTATION

18. Prior to the commencement of works, the submission and approval by the Shire of a revised Community Consultation Framework to include an annual \$25,000 contribution for community initiatives.
19. The implementation of the approved Community Consultation Framework to the satisfaction of the Shire.

#### ANNUAL REPORT

20. The annual submission and approval by the Shire of an audit report, of all Management Plans. A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

#### Advice Notes:

1. On-site effluent disposal systems associated with the approved development shall be to the specifications and satisfaction of the Shire. The use of 'non-standard' effluent disposal systems may be allowed at the discretion of the Director of Development Services and shall satisfy the following requirements:
  - a. A 2 metre separation between the base of the leach drain and the highest recorded groundwater level or bedrock; and
  - b. At least 100 metres horizontal separation between the effluent disposal system and existing drains, water courses and water bodies; and
  - c. The immediate area around each effluent disposal system shall be planted with indigenous trees and shrubs, which shall be maintained for the duration of the planning approval.
2. The above requirements may be altered where soil amending techniques are introduced, a soil capability study demonstrates that above requirements are not required or alternatively the use of modified effluent disposal systems may be permitted at the discretion of the Director Development Services.

*Cr Geurds left the room at 8.53pm and returned at 8.54pm*

*Cr Brown left the room at 8.54pm and returned at 8.57pm*

#### **OCM031/02/11 COUNCIL DECISION/New Motion**

**Moved Cr Brown, seconded Cr Butfield**

**That Council:**

- (a) note that the State Administrative Tribunal has invited Council, under Section 31 of the State Administrative Tribunal Act 2004, to reconsider its decision in**

respect of the application for approval to commence development of an Industry Extractive (Mineral Sands Mine) for Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook.

(b) advise the State Administrative Tribunal that it wishes to substitute its original decision for refusal with a decision to refuse the application under the provisions of the Shire of Town Planning Scheme No. 2 for the following reasons:

- (i) Insufficient information to demonstrate the proposal will not lead to a decline in current and future availability and quality of agricultural land in accordance with the rural policy area of the Shire's Rural Strategy.
- (ii) the significant scale of the proposed excavation area will result in the clearing of mature trees which cannot be replaced through revegetation or landscape plantings and will significantly impact on the rural character of the locality and result in the loss of native fauna habitat across a substantial area which forms part which acts as a Regional Ecological link.
- (iii) the proposal will adversely impact on the amenity of the locality particularly in relation to dust and noise;
- (iv) the applicant has not properly addressed the hydrological impacts of the development as set out in the Hydrological Peer Review undertaken for the proposal by GHD Consultants dated April 2010 and in particular the significant amount of water required for the development will limit the amount of groundwater available to other users in the area.
- (v) significant concern exists as to the ability to successfully rehabilitate such a large area of land given the high ground water table and strong summer breezes that impact the area;
- (vi) it has not been sufficiently demonstrated that the geotechnical and agricultural characteristics of the soil will be left in a manner compatible with the long term planning for the site;
- (vii) the cumulative risks associated with the points raised above too significant to warrant the issue of an approval of the proposal;
- (viii) In view of the above points approval to the proposal would be considered contrary to the principles of orderly and proper planning;

#### **AMENDMENT TO THE MOTION**

Moved Cr Lowry, seconded Cr Harris

That the motion be amended by the addition of:

The application fails to demonstrate the proposal will present net social, economic or environmental benefit as required by Local Planning Policy No. 30 – Mineral Sands Extraction.

CARRIED 9/1

The amended motion then became the substantive motion and was put.

That Council:

- (a) note that the State Administrative Tribunal has invited Council, under Section 31 of the State Administrative Tribunal Act 2004, to reconsider its decision in respect of the application for approval to commence development of an Industry Extractive (Mineral Sands Mine) for Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook.

- (b) advise the State Administrative Tribunal that it wishes to substitute its original decision for refusal with a decision to refuse the application under the provisions of the Shire of Town Planning Scheme No. 2 for the following reasons:
- (i) Insufficient information to demonstrate the proposal will not lead to a decline in current and future availability and quality of agricultural land in accordance with the rural policy area of the Shire's Rural Strategy.
  - (ii) the significant scale of the proposed excavation area will result in the clearing of mature trees which cannot be replaced through revegetation or landscape plantings and will significantly impact on the rural character of the locality and result in the loss of native fauna habitat across a substantial area which forms part which acts as a Regional Ecological link.
  - (iii) the proposal will adversely impact on the amenity of the locality particularly in relation to dust and noise;
  - (iv) the applicant has not properly addressed the hydrological impacts of the development as set out in the Hydrological Peer Review undertaken for the proposal by GHD Consultants dated April 2010 and in particular the significant amount of water required for the development will limit the amount of groundwater available to other users in the area.
  - (v) significant concern exists as to the ability to successfully rehabilitate such a large area of land given the high ground water table and strong summer breezes that impact the area;
  - (vi) it has not been sufficiently demonstrated that the geotechnical and agricultural characteristics of the soil will be left in a manner compatible with the long term planning for the site;
  - (vii) the cumulative risks associated with the points raised above too significant to warrant the issue of an approval of the proposal;
  - (viii) In view of the above points approval to the proposal would be considered contrary to the principles of orderly and proper planning;
  - (ix) The application fails to demonstrate the proposal will present net social, economic or environmental benefit as required by Local Planning Policy No. 30 – Mineral Sands Extraction.

**CARRIED 9/1**

**Council note:** Council did not support the Officer Recommended Resolution for the reasons outlined in this refusal.

**Cr Ellis foreshadowed the Officer Recommended Resolution if the motion under debate is defeated.**

*Cr Lowry left the room at 8.53pm and returned at 8.54pm*

### **COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Harris**  
**The meeting was re-opened to the public at 8.54 pm**  
**CARRIED 10/0**

*Manager Health & Ranger Services left the room at 8.55pm and returned at 8.56pm*

*Director Corporate Services left the room at 8.55pm and returned at 8.57pm*

*Cr Lowry left the room at 8.57pm and returned at 8.58pm*

*Cr Ellis left the room at 8.57pm and returned at 8.59pm*

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Butfield that the meeting be closed to members of the public at 8.59pm to allow Council to discuss confidential item OCM032/02/11 as per the Local Government Act section 5.23(2)d.  
**CARRIED 10/0**

OCM032/02/11	<b>CONFIDENTIAL ITEM</b> - RECONSIDERATION OF PREVIOUS DECISION TO REFUSE EXTRACTIVE INDUSTRIES LICENCE – PROPOSED KEYSBROOK MINERAL SANDS MINE – LOT 1 ELLIOTT ROAD, LOT 52 ATKINS ROAD, LOT 63 HOPELAND ROAD AND LOTS 6, 111, 112 AND 113 WESTCOTT ROAD, KEYSBROOK (P02893/01 AND P02893/02)	
Proponent:	Planning Solutions on behalf of Matilda Zircon Pty Ltd	In Brief  The State Administrative Tribunal has invited Council to reconsider its decision to refuse the extractive industry licence under Section 31 of the SAT Act. This report provides Council with the opportunity to consider the merits of the application and whether approval is now warranted.
Owner:	Various	
Author:	C Murphy - Senior Planner	
Senior Officer:	B Gleeson - Director Development Services	
Date of Report	14 February 2010	
Previously	SD147/06/10	
Disclosure of Interest	The Chief Executive Officer declares an interest in common as a resident of the locality of Keysbrook.	
Delegation	<b>Council</b>	

**OCM032/02/11 Officer Recommended Resolution:**

That Council approves the application for an Extractive Industry Licence for Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook and issues an Extractive Industry Licence for a term of 1 year subject to the following conditions:

1. Prior to the commencement of works, the submission and approval by the Shire of a revised Plan of Excavation Site to include:
  - Scale between 1:500 and 1:2000;
  - Minimum buffers from all watercourses, thoroughfares, and property boundaries as defined by the Extractive Industries Local Law;
  - The location of all major and minor watercourses;
  - The location and dimensions of all signage as specified by the Extractive Industries Local Law;
  - The location of topsoil stockpiles and bunds.
2. The undertaking of all extractive industry operations in accordance with the approved Plan of Excavation Site.
3. Prior to the commencement of works, the submission and approval by the Shire of a revised Works and Excavation Program to include:
  - A detailed staging plan illustrating stages and indicative timeframes for the commencement and completion of rehabilitation of each stage;

- The detail and location of topsoil stockpiles, including dimensions and indicative locations;
  - A revised location of the northern internal access road to avoid screening planting, with details of its construction;
  - Revised management plans approved through the planning approval.
4. The undertaking of all extractive industry operations in accordance with the approved Works and Excavation Program.
  5. The undertaking of all extractive industry operations in accordance with the approved Rehabilitation Plan.
  6. Environmentally hazardous chemicals associated with the approved development including but not limited to fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) shall be stored within low permeability ( $10^{-9}$  metres per second or less) compounds designed to contain not less than 110 per cent of the volume of the largest storage vessel or inter-connected system, and at least 25 per cent of the total volume of vessels stored in the compound.
  7. The operator shall ensure that no chemicals or potential liquid contaminants associated with the approved development are disposed of on-site.
  8. The annual submission and approval by the Shire of an audit detailing compliance with the approved Works and Excavation Program and Rehabilitation Management Plan, and all approved management plans that form part of that program. A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.
  9. The licensee to furnish to the local government a surveyor's certificate each year, (prior to the renewal fee being payable) to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.
  10. The licensee to provide to the local government within 14 days full particulars of any inspection or report made under the Minister for the Environment, Youth Statement No. 810 - Statement that a proposal may be implemented pursuant to the provisions of the Environmental Protection Act 1986.
  11. Licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law.
  12. Payment of the annual extractive industry licence fee.

**OCM032/02/11 COUNCIL DECISION/New Motion**

Moved Cr Harris, seconded Cr Hoyer  
That Council:

1. note that the State Administrative Tribunal has invited Council, under Section 31 of the State Administrative Tribunal Act 2004, to reconsider its decision in respect of the application for an extractive industry licence for an Industry Extractive (Mineral Sands Mine) on Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook.

2. **advises the State Administrative Tribunal and the applicant that it wishes to substitute its original decision to refuse the application for an Extractive Industries Licence for Lot 1 Elliott Road, Lot 52 Atkins Road, Lot 63 Hopeland Road and Lots 6, 111, 112 and 113 Westcott Road, Keysbrook, under the Shire of Serpentine-Jarrahdale Extractive Industries Local Law and refuse the application, for the following reasons:**
- (a) Planning approval for an extractive industry use of the land has not been obtained in accordance with Clause 3.1 (1) of the Shire of Serpentine-Jarrahdale Extractive Industries Local Law**
  - (b) The applicant does not include the specified information required to comply with Clause 2.3 of the Shire of Serpentine-Jarrahdale Extractive Industries Local Law**
  - (c) Insufficient information to demonstrate the proposal will not lead to a decline in current and future availability and quality of agricultural land in accordance with the rural policy area of the Shire's Rural Strategy.**
  - (d) the significant scale of the proposed excavation area will result in the clearing of mature trees which cannot be replaced through revegetation or landscape plantings and will significantly impact on the rural character of the locality and result in the loss of native fauna habitat across a substantial area which forms part of and which acts as a Regional Ecological link.**
  - (e) the proposal will adversely impact on the amenity of the locality particularly in relation to dust and noise;**
  - (f) the applicant has not properly addressed the hydrological impacts of the development as set out in the Hydrological Peer Review undertaken for the proposal by GHD Consultants dated April 2010 and in particular the significant amount of water required for the development will limit the amount of groundwater available to other users in the area.**
  - (g) significant concern exists as to the ability to successfully rehabilitate such a large area of land given the high ground water table and strong summer breezes that impact the area;**
  - (h) it has not been sufficiently demonstrated that the geotechnical and agricultural characteristics of the soil will be left in a manner compatible with the long term planning for the site;**
  - (i) the cumulative risks associated with the points raised above are too significant to warrant the issue of an approval of the proposal;**
  - (j) In view of the above points approval to the proposal would be considered contrary to the principles of orderly and proper planning;**
  - (k) The application fails to demonstrate the proposal will present net social, economic or environmental benefit as required by Local Planning Policy No. 30 – Mineral Sands Extraction**

**CARRIED 9/1**

**Council note: Council did not support the Officer Recommended Resolution for the reasons outlined in this refusal.**

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Randall**  
**The meeting was re-opened to the public at 9.07pm**  
**CARRIED 10/0**

**Moved Cr Ellis, seconded Cr Brown**  
**That Item CGAM041/02/11 be discussed out of order**  
**CARRIED 10/0**

CGAM041/02/11		LIGHTBODY ROAD, MARDELLA (R0038)	
Proponent:	Engineering Services	In Brief  Council adopt the Road Safety Review Audit 2010 for Lightbody Road Mardezza and endorses the report's findings and its recommendations as outlined in the Corrective Action Report.	
Owner:	Serpentine Jarrahdale Shire		
Author:	Richard Gorbunow – Director Engineering		
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	7 January 2011		
Previously	CGAM033/11/07, CGAM034/10/08 CGAM087/04/09		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

**Background**

During public question time at the Ordinary Council Meeting held on 22 November 2010, a resident/ratepayer residing on Lightbody Road asked the Council is the Shire aware of any accreditation from a relevant authority that gives grounding to the author of the Road Safety Audit Report on Lightbody Road being able to claim themselves to be a senior safety auditor, referring to the audit that was conducted in July 2008 by Shire staff.

The response given by the Council was that at the relevant time, the Shire was acting on the basis of documentation provided by the audit team leader, that the person was a registered senior road safety auditor and held an advanced worksite traffic management accreditation.

As a result of doubts about the accuracy of that documentation, and to address any concerns about the credibility of the contents of the audit, the Shire has commissioned an independent road safety audit in relation to Lightbody Road.

***A copy of the Road Safety Audit Review is with attachments marked [CGAM041.1/02/11 \(E11/318\)](#).***

***A confidential copy of the Road Safety Auditor's qualifications has been distributed to Councillors with this agenda.***

**Statutory Environment:**

Local Government Act 1995  
 Land Administration Act 1997  
 Environmental Protection Act 1986

**Policy/Work Procedure Implications:**

There is/are no work procedures/policy implications directly related to this application/issue.

**Financial Implications:**

The financial implication to Council related to the Road Safety Review Audit is \$2970 GST inclusive. Should the Council agree to undertake the corrective actions as outlined in the audit report the cost will be funded from the roads maintenance budget.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>		Rural Land	Ensure the built form complements and enhances the rural environment.
			Encourage built form that positively contributes to streetscape amenity.
			Preserve, enhance and recognise heritage values within the built form.
		Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
			Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		<b>Infrastructure</b>	
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
			Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
			Ensure that bridge and road network planning and development considers community safety and emergency management.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.
		Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.

Vision Category	Focus Area	Objective Summary	Objective
			Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
			Encourage innovative solutions for the provision of utilities.
		Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
			Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
			Interact with professional and industry bodies to keep abreast of best practice.
		Infrastructure	Advance the development of transport, technology and utilities infrastructure.
			Facilitate the development of consistent appropriate and informative signage throughout the Shire.
			Improve access and inclusion for all.
			Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>		
		Generating, collecting & analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
			Understand current and future costs of service delivery.
			Understand the needs of stakeholders.
		Creating value through applying knowledge	Ensure evidence based decision making
			Improve service delivery through the application of knowledge.
			Critically examine the efficiency and effectiveness of service delivery
	<b>Customer and Market Focus</b>		
			Improve the communication and sharing of information internally.
			Improve the communication and sharing of information externally.
			Improve the accessibility of Shire services.
			Improve the communication and sharing of information internally.
			Improve the accessibility of Shire services.
			Strive to continually improve customer satisfaction and stakeholder relationships.

### **Community Consultation:**

Community consultation does not generally form part of a Road Safety Audit as there is a potential for “clouding” of the issues and third parties influencing the “independence” of the team. There is also the potential for conflict between team members and the third parties where safety issues are “perceived” rather than real and counter measures are requested that practitioners known are inappropriate or ineffective.

### **Comment:**

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The Road Safety Review Audit Team carefully re-examined the entire length of the Lightbody Road, including surface condition, road geometry, roadside objects, property boundaries/crossovers, drainage and signage. The team also reviewed current crash data.

Concerns have been expressed over the qualifications and experience of the previous audit team leader (Road Safety Audit 2008) as well as the independence of that audit team and the resident's view that there are "obvious errors and omissions" in the 2008 report. As a result, the Shire commissioned a new independent audit to address any concerns about the credibility of the contents of the 2008 audit and the accuracy of that documentation. The audit of 2010 does not seek to address the qualifications of the previous auditors except to note that this team is aware that the team leader of the 2008 audit report had attended a 3 day Road Safety Audit training seminar and had some experience in auditing, although the number of audits involved, and the capacity are unknown.

The 2010 report audit does not repeat, or discuss, all the findings of the 2008 report, however the review audit was carried out in accordance with Austroads Guidelines by an experienced team maintaining independence. As part of the background information supplied by the Shire representative, the audit team was briefed on some of the issues relating to the concerns expressed over the safety of the road. The team acknowledges these concerns, but has set them aside during the audit in order to avoid them influencing the findings and recommendations in this report. The 2008 audit did identify the majority of the critical safety issues, in particular the sub-standard curves and low level of delineation. Numerous findings and recommendations were also made on less significant issues. The counter measures installed by the Shire have addressed most of the recommendations made in the 2008 report. In particular the modifications to the crossfalls in the curves and the installation of curve warning signs and additional guideposts are a significant improvement to the warnings and guidance for drivers.

In some instances Standards and Guidelines have not been correctly adhered to, resulting in some minor residual hazard. This suggests a (typical) lack of experience of the previous auditors in failing to provide exact detail in the report on the relevant Standards and Guidelines to be followed. However, the reduction of the recorded crashes can be attributed to the counter measures installed along the road by the Shire.

The previous Road Safety Audit report indicated 12 recorded crashes in the 5 year period 2003-2007 the crash data shows that 2003 and 2004 were aberrations, with above average crash numbers of 3 and 4 respectively. The average since then has been 1.2 crashes per year. The only crash recorded since the previous Road Safety Audit is a driveway crash, suggesting that the counter measures taken have been effective in the reducing the occurrence of loss of control and off-road crashes. In the new audit findings and recommendations section Sealed vs. Unsealed roads it does mention that approximately 60% of Australia roads are unsealed and the "Unsealed Roads Manual" published by the ARRB Group, section 7.7 suggests that it may be difficult to economically justify sealing a road carrying less than 100vpd, and taking into account that the road location and crash history indicates crashes are possibly due to local driver error, there is a possibility that sealing the road may not necessarily reduce the crash numbers. Also in the audit findings and recommendations section Dust, it mentions that dust can be an inconvenience; it is considered that under very low traffic volume conditions on this road is a minimal road safety hazard. This road is no different to other unsealed roads and drivers are expected to take appropriate action in the relatively rare occurrences on this road where visibility is impaired by dust. Dust may be an issue with the well-being of nearby residents and animals, but that is not a road safety issue.

The Corrective Action Report - identified (18) minor recommendations that will require action. The cost to implement the recommended findings can be done within the maintenance budget.

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**Audit Findings and Recommendations;**

## • 2.1 Advisory Speeds

**Recommendation:**

Remove the advisory speed supplementary plates from all curve warning signs located on the unsealed section of Lightbody Rd.

Ensure all traffic signs (existing and future) have Main Roads WA approval, or are installed in accordance with the conditions of any Delegation of Authority granted to the Shire of Serpentine-Jarrahdale.

## • 2.2 Curve Warning Signs (Curves 2 &amp; 3)

**Recommendation:**

- a) Replace the W1-3(L) Curve warning sign facing north, north of curve 2, with a W1-4(L) Reverse Curve warning sign, maintaining the advisory speed supplementary plate.
- b) Remove the W1-3(R) Curve warning sign and advisory speed supplementary plate facing south, south of curve 2.
- c) Install a W1-4(L) Reverse Curve warning sign and advisory speed supplementary plate facing south, south of curve 3.

## • 2.3 Curve Warning Signs (Curve 7)

**Recommendation:**

Install W1-3(L) and W1-3(R) Curve warning signs (without advisory speed supplementary plates) at curve 7 in accordance with AS1742.2.

## • 2.4 Stock Warning Signs

**Recommendation:**

Investigate the purpose and need for the Stock warning sign and either remove the existing sign or install a corresponding sign facing south at the relevant location.

## • 2.5 Guideposts

**Recommendation:**

Install additional guideposts in the curves to satisfy the conditions of AS1742.2 Clause 4.2.4.4 Table 4.1, ensuring that Sub-Clause (a)(iii) [a minimum of 2 pairs are visible at all times] and Sub-Clause (c) [the first *{and last}* post shall be located where the curve just noticeably starts to deviate from the alignment of the straight] are also satisfied.

## • 2.6 Width Markers

**Recommendation:**

Replace all the D4-3 width markers with D4-3B(L,R) in accordance with AS1742.1.

## • 2.7 Road Safety Barrier

**Recommendation:**

Extend the safety barriers over the large culvert in accordance with Main Roads WA 'Guide to the Design of Road Safety Barriers', and fit appropriate crashworthy terminals.

## • 2.8 Roadside Hazards

**Recommendation:**

Undertake a risk assessment on the roadside objects within the clear zone in accordance with Austroads Guide to Road Design - Part 6: Roadside Design, Safety and Barriers Section 4, and where required undertake the following:

- remove or relocate roadside hazards from within the required clear zone
- and/or
- suitably protect the existing objects from being damaged or causing damage.

- 2.9 Surface Drainage

**Recommendation:**

- a) Remove windrows.
- b) Ensure there are no impediments to water draining off the formation into the roadside drains.

- 2.10 Sign Location

**Recommendation:**

Relocate the T-junction warning sign on the approach to Lowlands Rd to in front of the large tree and to a location where it is clearly visible from the approach.

- 2.11 Guidepost Location

**Recommendation:**

Ensure all guideposts are on the road side of roadside hazards; i.e. relocate guideposts closer to the road or remove all roadside objects between the road and guideposts.

- 2.12 Roadside Maintenance

**Recommendation:**

Trim / remove vegetation from in front of all signs and guideposts or relocate signs to where there is no vegetation to restrict their visibility.

- 2.13 Formation Maintenance

**Recommendation:**

Repair / re-sheet Lightbody Rd.

- 2.14 Sight Lines

**Recommendation:**

Remove vegetation at crossovers and driveways to maintain adequate sight lines, particularly at the access to the holding yards.

- 2.15 Corner Radii – Mundijong Rd

**Recommendation:**

Reconstruct the sealed corner radii at the Mundijong Rd junction to accommodate the swept paths of all vehicle types likely to use the junction.

- 2.16 Approach Alignment – Lowlands Rd

**Recommendation:**

Short Term –

- a) clear the road of leaf litter and debris
- b) paint the island kerb with a long lasting reflective material
- c) install approach line markings in accordance with Main Roads WA Guidelines and Drawing 200331-141-4

Long Term –

- d) Review the alignment of the Lightbody Rd approach to Lowlands Rd with a view to increasing the radius of the curve and length of straight section between Lowlands Rd and the curve.
- e) Replace the barrier kerb with semi-mountable kerb

- 2.17 Adjacent Road Network

**Recommendation:**

Install / extend road safety barriers on both sides of Mundijong Rd at the culvert east of Lightbody Rd, designed in accordance with Main Roads WA 'Guide to the Design of Road Safety Barriers', and fit appropriate crashworthy terminals.

- 2.18 Standards and Guidelines

**Recommendation:**

Ensure staff involved with construction and maintenance of road infrastructure are aware that Standards and Guidelines (in particular the new Austroads Guide series, AS1742 and Main Roads WA Guidelines) should be accessed prior to constructing or modifying road infrastructure.

**Conclusion;**

In summary the Road Safety Review Audit report 2010 asserts that the road is operating realistically safe. In addition to the above actions, the Engineering Department will closely monitor on an annual basis the crash data with view to applying for funding under the State and Federal Black Spot Program if the need arises and the criteria for Blackspot funding has been met.

**Voting Requirements:**

Simple Majority

*Manager Health & Ranger Services left the meeting at 9.12pm.*

**CGAM41/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris**

**That Council accepts the Road Safety Review Audit 2010 on Lightbody Road Mardella as attached at CGAM041.1/02/11 and endorses the recommended actions as outlined in the Corrective Action report and notes that corrective works are to be funded from the existing roads maintenance budget.**

**CARRIED 8/2**

SD078/02/11 LOT 806 SOUTH WESTERN HIGHWAY BYFORD – PROPOSED LOCAL STRUCTURE PLAN (A1617)		
Proponent:	RPS Australia Asia Pacific	In Brief  A proposed Local Structure Plan for Lot 806 South Western Highway Byford, proposing light industrial development, is presented to Council to consider for advertising.  It is recommended the proposed Local Structure Plan be determined satisfactory for advertising, subject to a number of modifications.
Owner:	Wallmar Pty Ltd	
Author:	C Murphy, Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 January 2011	
Previously	n/a	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 12 February 2009  
 Lot Area: 8.2589 hectares  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban

**Background**

A proposed Local Structure Plan (LSP) proposing light industrial development for Lot 806 South Western Highway was lodged with the Shire on 12 February 2009. The LSP was reviewed internally, and did not progress as a Local Water Management Strategy (LWMS), and other key supporting information, was lacking at that time.

An updated proposed LSP was submitted on 14 January 2010, supported by a LWMS approved by the Department of Water. The proposed LSP is presented to Council to determine whether it is satisfactory for advertising.

***A copy of the Local Structure Plan, including a Flora and Vegetation Survey, Local Water Management Strategy and Transport Statement is with attachments marked [SD078.1/02/11 \(IN11/571\)](#)***

## **Structure Plan Elements**

### ***Zoning***

The proposed LSP applies a single industry light zone, providing for light industrial uses. Under the land use definitions of Town Planning Scheme No. 2 (TPS2) Industry Light uses are those that “*will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products*”.

Some of the land uses which may be permitted within the Industry Light zone include automotive and marine sales, automotive repairs, caravan and trailer hire, commercial vehicle parking, garden centres, showrooms, and warehouses.

### ***Public Open Space***

Whilst industrial development does not usually require the provision of public open space, a 15 metre wide linear public open space area is proposed to provide a visual screen and partial noise buffering from adjacent residential areas.

### ***Movement Network***

The proposed LSP includes a looped road through the LSP area, consistent with the Byford Detailed Area Plan (DAP). Unlike the Byford DAP, the proposed LSP does not connect the internal road to Wilaring Street to prevent potential traffic conflict with residents of the adjacent Byford by the Scarp estate and traffic from the industrial area. All access is proposed via Nettleton Road and Dougall Street to the north. A traffic assessment has been undertaken to determine the impact on the intersection of Nettleton Road and South Western Highway.

## **Sustainability Statement**

### ***Effect on Environment:***

#### *Flora*

A flora survey has been undertaken to determine vegetation complexes and condition at the site. The survey also undertook an assessment of all trees and identified the location of significant trees.

The proposed LSP does not respond to the findings of the flora survey, with key areas recommended for retention (including 15 significant trees) not proposed to be retained in their entirety. A modification to the proposed LSP layout, to include the retention of recommended vegetation areas and a greater number of significant trees, prior to advertising can resolve this issue.

#### *Fauna*

The flora survey identifies the presence of flora species that are known breeding and foraging habitat for four fauna species listed as threatened under the federal *Environmental*

*Protection and Biodiversity Conservation Act 1999.* These include Carnaby's Black Cockatoo, Baudin's Black Cockatoo, the Forest Red-Tailed Black Cockatoo, and the Graceful Sun Moth. No fauna surveys have been undertaken to determine if any of these species occur or utilize habitat within the subject land.

The applicant is responsible for ensuring that, where a proposal may have a significant impact on matters of national environmental significance (including the above species), the approval of the Minister under the Environmental Protection and Biodiversity Conservation Act is obtained. The Shire has no role in the administration of that legislation, however has informed the applicant of their obligations and will include the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) in the list of government agencies the proposed LSP is referred to for comment as part of the advertising process.

Additional protection of vegetation and significant trees, as proposed above, may also serve to increase retention of threatened species habitat in the proposed LSP area.

#### *Water Quality*

The proposed LSP is supported by a LWMS that has been approved by the Department of Water and meets the Shire's requirements.

The proposed LSP does not currently provide any design guidelines or development requirements regarding energy efficiency. The modification of the proposed LSP to incorporate the Perth Region Natural Resource Management Guidelines for Industrial Development can resolve this issue, and facilitate the development of a best practice light industrial estate.

**Resource Implications:** The proposed LSP does not currently provide any design guidelines or development requirements regarding resource efficiency. The modification of the proposed LSP to incorporate the Perth Region NRM Guidelines for Industrial Development can resolve this issue, and facilitate the development of a best practice light industrial estate.

**Economic Benefits:** The proposed LSP will facilitate important employment generation in Byford, creating a number of local job opportunities. This will present key economic benefits to the community, and provide an attractor for new local businesses.

**Social – Quality of Life:** The proposed LSP would facilitate light industrial development in proximity to the Byford by the Scarp residential estate. Potential land use conflict maybe addressed by a landscaped buffer along the southern boundary of the proposed LSP.

Additional information in the LSP statutory section, regarding information to be provided at the time of development such as noise assessments, can further ensure no land use conflict arises.

**Social and Environmental Responsibility:** The proposed LSP will provide for important local employment opportunities.

**Statutory Environment:** Town Planning Scheme No. 2 (TPS 2)

Clause 5.18.3.2 provides that upon receiving a proposed structure plan, the local government is to either:

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or

- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

If the local government deems the proposed structure plan as satisfactory for advertising, it is to forward a copy of the LSP to the Western Australian Planning Commission, and give notice in accordance with the provisions of TPS2.

***An assessment table for the Local Structure Plan against the requirements of the Byford Townsite Detailed Area Plan is provided with attachment marked [SD078.2/02/11](#)***

**Policy/Work Procedure**

**Implications:**

Local Planning Policy (LPP) No.6 Water Sensitive Design  
LPP 8 Landscape Protection Policy  
LPP 19 Byford Development Requirements  
LPP 22 Water Sensitive Urban Design  
LPP 26 Biodiversity Planning

**Financial Implications:**

There are minor administration costs associated with finalising the draft LSP. There are however costs pertaining to the implementation of the LSP.

Financial implications will include the whole of life cycle cost related to the future maintenance and management of public open space and the public realm, and administration support and professional services to facilitate subdivision and development.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		Buildings	Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
			Enable built form that accommodates a range of business and family circumstances and needs.
		Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.			
Encourage innovative solutions, technology and design.			
SUSTAINABLE ECONOMIC GROWTH	Industry Development	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		Green Industries	Encourage the establishment of innovative industries involved in "reusing and recycling".
			Foster the development of industries producing renewable

Vision Category	Focus Area	Objective Summary	Objective
			energy related products and services.

### **Community Consultation:**

If supported, the proposed LSP will be advertised for a period of 42 days by way of:

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Advertisements in the local newspaper;
- Publication on the Shire's website;
- Copies made available at the Shire Administration Building and library; and.
- Relevant community groups.

Following advertising, a summary of submissions will be presented to Council for consideration.

### **Comment:**

Whilst not all issues pertaining to the proposed LSP have been completely resolved, the attached schedule of modifications will enable these issues to be sufficiently resolved ahead of advertising. Review of the supporting information provided suggests there are no fatal flaws in the LSP, and the advertising process will assist in refining it. The advertising process will provide for the identification of any other issues to be resolved in the final LSP, and facilitate development of a quality, robust structure plan.

***A list of recommended modifications to be made prior to advertising is included with attachments marked [SD078.3/02/11](#).***

***A map of the area from the Byford DAP is with attachments marked [SD078.4/02/11](#).***

### **Options**

There are three main options available to Council with respect to the proposed LSP, as outlined below.

- Option 1 - Pursuant to cl 5.18.3.2 (a) of TPS 2, determine that the proposed Local Structure Plan is satisfactory for advertising;
- Option 2 - Pursuant to cl 5.18.3.2 (b) of TPS 2, determine that the proposed Local Structure Plan is not to be advertised until modifications undertaken;
- Option 3 - Pursuant to cl 5.18.3.2 (c) of TPS 2, determine that the proposed Local Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

The officer recommendation below is based on Option 2.

**Voting Requirements:** Simple Majority

### **SD078/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris**

**That Council:**

- A. Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Structure Plan for Lot 806 South Western Highway, Byford**

and supporting documentation, is not to be advertised until modifications included in *Attachment SD078.3/02/11* are undertaken.

**B. Following receipt of a revised proposed Local Structure Plan for Lot 806 South Western Highway Byford incorporating the modifications included in *Attachment SD078.3/02/11*, to the satisfaction of the Director Development Services, advertise the proposed Local Structure Plan for Lot 806 South Western Highway pursuant to Clause 5.18.3.5 of Town Planning Scheme No. 2 for a period of 42 days by way of:**

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Advertisements in the local newspaper;
- Publication on the Shire’s website;
- Copies made available at the Shire Administration Building and libraries; and
- Letter to all relevant community groups.

**C. Following receipt of a revised proposed Local Structure Plan for Lot 806 South Western Highway Byford incorporating the modifications included in *Attachment SD078.3/02/11*, forward a copy of the proposed Local Structure Plan to the Western Australian Planning Commission pursuant to Clause 5.18.3.6 of Town Planning Scheme No. 2.**

**CARRIED 10/0**

SD079/02/11 CLOSE OF ADVERTISING – LOCAL PLANNING POLICY NO. 53 – GEORGE STREET CONSTRUCTION COSTS (A1907)		
Author:	Simon Wilkes – Executive Manager Planning	In Brief  Following advertising, a revised Local Planning Policy No. 53 is presented to Council for adoption.
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 January 2011	
Previously	SD029/09/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

Following Council adoption in September 2010, the draft Local Planning Policy (LPP) No. 53 – George Street Construction Costs was advertised from 28 October to 13 December 2010.

***A copy of the advertised draft LPP53 is with attachments marked [SD079.1/02/11](#)***

**Proposed Modifications**

1. Onstreet parking

A proposed modification from the advertised policy is the removal of a requirement for adjacent landholders to fund onstreet parking. As Town Planning Scheme No. 2 (TPS 2) includes requirements for developers to provide offstreet parking, there is no need and nexus that can be identified to justify developers paying for parking they do not individually create demand for. If a developer were to reduce offstreet parking on their land, there would

be a nexus for that developer to contribute to onstreet parking. However, this would be undertaken on a development application specific basis.

## 2. Cost schedule

The advertised LPP53 included a cost schedule, with defined payable amounts for each lot in the policy area. However, the policy also requires the annual review of the cost estimate for George Street, which would require annual updating of the policy itself which would create greater administration through review and advertising.

Similar to the Developer Contribution Scheme for Byford, it is proposed that the policy provide the basis for the calculation of contributions, however does not include specific cost amounts.

## 3. Other modifications

Other minor modifications are proposed, reflecting submissions received during the advertising period.

***The proposed schedule of modifications to the advertised LPP53 is with attachments marked [SD079.2/02/11](#).***

***The revised LPP53 is with attachments marked [SD079.3/02/11](#).***

## **Sustainability Statement**

***Effect on Environment:*** Whilst a number of submissions referred to concerns that the extension of George Street would have environmental impacts, directly, the policy has no impact on the environment. LPP53 is principally to guide the ‘administrative’ and ‘financial’ arrangements for the construction of George Street. The construction of George Street as a result of this policy, may however, have an impact on the environment as there is significant vegetation along George Street. Such impacts would be identified, minimised, and offset as part of the design and construction of the George Street extension.

***Resource Implications:*** Modifying the policy to remove the requirement for developers to contribute to onstreet parking will require Council to fund that component of the George Street extension. Current cost estimates identify these works would have a cost of \$540,390. The Forward Capital Works Plan identifies \$450,000 over three years allocated to the construction of George Street from Royalties for Regions funding. Additional funding may be required in future to cover shortfall for onstreet parking.

The cost estimate included in the advertised LPP53 was based on a total construction estimate of \$770,000. Revised, and more detailed, cost estimates identify the required works at a cost of \$1,053,880. As a result, it is likely that developers would be liable for a contribution higher than advertised.

***A copy of the 2010-2011 George Street Detailed Cost Estimate is with attachments marked [SD079.4/02/11](#)***

***Economic Benefits:*** The policy may assist in the timely, efficient construction of George Street which will improve access to various businesses and may, in turn, facilitate economic growth and employment creation.

***Social – Quality of Life:*** The ability to obtain contributions and construct George Street in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future land and business owners.

**Social and Environmental Responsibility:** It is important that the policy is easily understandable by all stakeholders in terms of what they are and what they are not required to contribute to. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

**Social Diversity:** A timely and coordinated approach to the delivery of George Street can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005  
The requirement for a developer to contribute to or construct infrastructure required to service a development is consistent with the Planning and Development Act.

Town Planning Scheme No. 2  
Clause 9.3 requires that, following advertising of a proposed LPP, the Council review the draft LPP in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The final adoption of LPP53 will require the development of work procedures to facilitate the annual review of cost estimates, and the administration of funds collected and used for the extension of George Street.

**Financial Implications:**

The removal of policy provisions requiring developers to contribute to onstreet parking will have a direct financial implication to Council, with Council having to fund those works associated with offstreet parking.

If a developer in future wishes to provide cash-in-lieu of offstreet parking, then some costs incurred may be recouped.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		Society, community and environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
		The Shire is focussed on building relationships of respect with stakeholders.	

Vision Category	Focus Area	Objective Summary	Objective
	<b>Strategy and Planning</b>	Strategic Direction	Prepare effectively for future development. Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	<b>Success and Sustainability</b>	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

### **Community Consultation:**

Draft LPP53 was advertised for 42 days, by way of advertisements in local newspapers, publication on the website, and letters sent to all landholders within the policy area.

Eight submissions were received, most in opposition to the policy. A number of submitters did not wish to see George Street constructed, others did not wish to pay a contribution to the construction of George Street at the time of development or subdivision.

***A summary of submissions and administration's response is included with attachments marked [SD079.2/02/11](#)***

### **Comment:**

LPP53 is necessary to assist the implementation of the Byford Town Centre Local Structure Plan (LSP). Final adoption of the Byford Town Centre LSP will facilitate various retail, commercial, and high density development along the un-made portion of George Street. As these developments will require the construction of George Street to support and service their developments, it is important to have a policy in place providing a framework for the equitable contribution toward that infrastructure.

The extension of George Street is necessary to facilitate and service town centre development in accordance with the Byford Structure Plan, Byford Town Centre Detailed Area Plan, and Byford Town Centre LSP. Main Roads Western Australia is not supportive of direct access to South Western Highway. The development of a highway access strategy will significantly reduce access to South Western Highway and will place greater emphasis on the need to extend George Street.

The current George Street road reserve, due to several drainage ditches, does not provide a safe trafficable accessway. The absence of safe pathways and street lightings does not provide for safe access for pedestrians and other road users. It therefore requires construction from Pitman Way to Larsen Road to provide a standard consistent with its function as a local road servicing the adjacent developments.

The provision of such infrastructure by developers is consistent with the Planning and Development Act, Western Australian Planning Commission policy, and several developments in Byford have previously paid contributions as part of development approvals, therefore the policy is consistent with current planning practices.

The policy provides a framework to assist the Shire manage contributions payable by developers in the policy area to ensure George Street is extended in a coordinated manner.

Options

There are three options available to Council:

1. Adopt LPP53 as advertised;
2. Adopt LPP53 as advertised, subject to modifications; or
3. Resolve to not progress with LPP53.

Option 2, which equates to the adoption of the revised LPP53, is recommended.

**Voting Requirements:** Simple Majority

*Uwe Striepe left the meeting at 9.24pm and returned at 9.31pm*

**SD079/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Randall  
That Council:**

1. **Adopt Local Planning Policy No. 53 – George Street Construction Costs as per Attachment SD079.3/02/11.**
2. **Endorse the 2010-2011 George Street Detailed Cost Estimate of \$1,053,880 for the works described in Local Planning Policy No. 53 – George Street Construction Costs.**

**CARRIED 9/1**

**Cr Geurds voted against the motion**

SD080/02/11	NEW LOCAL PLANNING POLICIES – LPP 1.0 LOCAL PLANNING FRAMEWORK, LPP 46 RURAL WORKERS DWELLING, LPP 58 BIKE FACILITIES, LPP 59 PUBLIC ART POLICY FOR MAJOR DEVELOPMENT (P9000, A1783, A1934, P9000)	
Author:	Lawrence Man – Senior Planner Claire Garner – Planning Projects Support Officer	In Brief  A number of new local planning policies have been prepared, as part of the Shire's overall policy development program. The policies are presented to Council for consideration, ahead of formal advertising for stakeholder comment.
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	24 January 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy suite. The Local Planning Policy (LPP) development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

This report provides Council with the opportunity to consider four (4) new LPPs, ahead of formal stakeholder engagement. The new policies are as follows:

1. Draft LPP 1.0 – Serpentine Jarrahdale Shire Planning Framework
2. Draft LPP 46 – Rural Workers Dwellings
3. Draft LPP 58 – Bicycle Facilities
4. Draft LPP 59 – Public Art Policy for Major Developments

### **Sustainability Statement**

**Effect on Environment:** Each policy proposed as part of the policy development program seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes in which it is renowned for.

**Resource Implications:** There are no resource implications directly attributed to the each policy with exception of the Draft LPP 59 – Public Arts in Major Development Policy. This policy provides for the establishment of a cash-in-lieu mechanism which will require a separate financial account to be established and managed.

**Economic Benefits:** The policy development program seeks to ensure new policies provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new policies seeks to closely align itself with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new policies to ensure fair and equitable implementation. It has responded in terms of community expectations and industry practices to ensure requirements and standards are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new policies can assist with meeting the needs of a diverse community, both existing and into the future.

### **Statutory Environment:**

Planning and Development Act 2005

Town Planning Scheme No. 2

Clause 9.3 requires that, following advertising of proposed local planning policies, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

### **Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

### **Financial Implications:**

Resources have been made available through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to

progress the proposed policies is consistent and within the grant funding secured.

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

<b>Vision Category</b>	<b>Focus Area</b>	<b>Objective Summary</b>	<b>Objective</b>
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		Society, community and environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
	<b>Strategy and Planning</b>	Strategic Direction	Prepare effectively for future development.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	<b>Success and Sustainability</b>	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
<b>Knowledge and Information</b>	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.	

### **Community Consultation:**

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
- A letter being sent to relevant state government agencies.

### **Comment:**

This report provides Council with the opportunity to consider four (4) new LPPs. These policies are detailed below.

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### LPP 1.0 – Serpentine Jarrahdale Shire Planning Framework

This policy seeks to provide a clear framework for future planning and development within the Shire. The policy also seeks to provide context for the current policy development program. The policy is generally consistent with the approach being taken by many other local governments and also the state government for their respective policy suites. Key matters that the policy seeks to address include:

- Provide a framework for local planning decisions in Serpentine Jarrahdale Shire
- Provides context and how local planning fits into the state-wide planning system
- Centralise all instruments relevant to land use planning proposals and decisions in Serpentine Jarrahdale Shire

***A copy of the proposed LPP 1 Planning Framework policy is with attachments marked [SD080.1/02/11](#) (E11/288)***

### LPP 46 – Rural Workers Dwellings

This policy seeks to provide the definition and requirements associated with a rural workers dwelling. As urban development encroaches on the Shire, there is increasing pressure for an additional dwelling to be developed on a rural property that is not intended to support enterprises and precipitates the ad hoc fragmentation of rural land. This policy seeks to protect rural and agricultural land uses by ensuring that rural workers dwellings are actually provided as intended. The policy provides for the following details:

- Direction on the establishment of rural workers dwellings
- Requirements to minimise their impact on the surrounding amenity and landscape
- Ensure rural workers dwellings are associated with an existing and approved rural use
- Limit the opportunity for a rural workers dwelling to establish and facilitate land subdivision

***A copy of the proposed LPP 46 Rural Workers Dwellings policy is with attachments marked [SD080.2/02/11](#) (E10/1048)***

### LPP 58 – Bicycle Facilities

The Bicycle Facilities policy has been prepared to complement the objectives of reducing fossil fuel dependence and combating climate change. The policy addresses the need to increase physical activity to improve health of the community by enhancing the cycling experience through the provision of infrastructure and facilities for cyclists. The policy outlines the requirement that developments within the Shire will need to:

- Provide visitor bike racks near shops, restaurants, offices and public places
- Install bicycle parking/lockers at public transport stops and workplaces for long term parking
- Provide end of trip facilities such as showers and changing facilities

***A copy of the proposed LPP 58 Bicycle Facilities policy is with attachments marked [SD080.3/02/11](#) (E10/5822)***

### LPP 59 – Public Art Policy for Major Developments

There are significant benefits to integrating art into the public realm. Public art contributes to the sense of place and unique identity of a locality through the reflection of local culture and customs, referencing significant local historic events, and its ability to act as landmarks. The

policy provides a series of requirements for developers proposing significant development by:

- Introducing a 2% rule where development over \$1 million will need to provide public art.
- Organise cash-in-lieu arrangements to obtain funds to enable the provision of public art by the Shire at a later date.
- Opportunity to integrate public art into the landscape master planning.

***A copy of the proposed LPP 59 Public Art policy is with attachments marked [SD080.4/02/11 \(E11/289\)](#)***

### Options

There are three options available to Council in respect of each policy, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; and
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended in each instance.

**Voting Requirements:** Simple Majority

### **SD080/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Randall**

**1. That Council adopt the following policies for advertising purposes:**

- a) Draft Local Planning Policy 1.0 – Serpentine Jarrahdale Shire Planning Framework, as per *SD080.1/02/11 (E11/288)*
- b) Draft Local Planning Policy 46 – Rural Workers Dwellings as per *SD080.2/02/11 (E10/1048)*
- c) Draft Local Planning Policy 58 – Bicycle Facilities as per *SD080.3/02/11 (E10/5822)*
- d) Draft Local Planning Policy 59 – Public Art Policy for Major Developments as per *SD080.4/02/11 (E11/289)*

**2. The Local Planning Policies to be advertised for public comment by:**

- a) A notice being placed in the Shire's Administration Centre;
- b) A notice being placed on the Shire's internet website;
- c) A letter being sent to key developers which may be affected by the new policies;
- d) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
- e) A letter being sent to relevant state government agencies.

**CARRIED 10/0**

SD081/02/11	CONSIDERATION OF REVISED LOCAL PLANNING POLICIES – LPP 24 DESIGNING OUT CRIME, LPP 33 CONSTRUCTION OF DAMS, LPP 34 PLACEMENT OF FILL (A1591, A1718, A1719)
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Author:	Lawrence Man – Senior Planner Claire Garner – Planning Projects Support Officer	<b>In Brief</b>  A number of draft local planning policies have been previously prepared and presented to Council, as part of the Shire's overall policy development program.  The policies are again presented for Council consideration following the refinement of the policies further to internal review processes and preliminary testing.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 January 2011	
Previously	SD024/08/09 SD119/03/10 SD118/03/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Shire is progressing with a significant policy development program, with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The policy development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The following policies have been previously presented at an Ordinary Council Meeting (OCM) for consideration:

1. LPP 24 – Designing Out Crime
2. LPP 33 – Construction of Dams
3. LPP 34 – Placement of Fill

Through practical application and further technical review, the opportunity to further refine these policies has been identified. This report provides Council with the opportunity to consider potential revisions to each of these policies ahead of progressing with further stakeholder engagement.

### **Sustainability Statement**

**Effect on Environment:** Each policy proposed as part of the policy development program seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes in which it is renowned for.

**Resource Implications:** There are no resource implications directly attributed to the each policy.

**Economic Benefits:** The policy development program seeks to ensure policies provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The policies seeks to closely align itself with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure

vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its policies to ensure fair and equitable implementation. It has responded in terms of community expectations and industry practices to ensure requirements and standards are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of revised polices can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes, is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2  
Clause 9.3 requires that, following advertising of proposed local planning policies, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:** The progression of the revised local planning policies is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:** Resources have been made available through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies is consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		Society, community and environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
			The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	Strategic Direction	Prepare effectively for future development. Create innovative solutions and manage responsibly to aid our long term financial

Vision Category	Focus Area	Objective Summary	Objective
			sustainability.
	<b>Success and Sustainability</b>	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

### **Community Consultation:**

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the Local Planning Policy include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the revised policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
- A letter being sent to relevant state government agencies.

It is noted that public comment has not yet been invited in respect of LPP 33 – Construction of Dams and LPP 34 – Placement of Fill. However, LPP 24 – Designing out Crime was advertised following its consideration by OCM in August 2009. As one submission was received for this policy, a covering letter detailing the re-advertising of this policy and consideration of their concerns will be provided to the submitter.

### **Comment:**

This report provides Council with the opportunity to consider three (3) revised local planning policies. It is noted that LPP33 – Construction of Dams and LPP 34 – Placement of Fill due to their common themes have been developed and reviewed concurrently and share similar modifications. A discussion relating to the revisions made to each of the three policies are detailed as follows.

#### **LPP 24 – Designing Out Crime**

Following the advertising of LPP 24 – Designing Out Crime, some opportunities were identified to broaden the scope of the policy and improve its implementation. The modifications expand upon the existing crime prevention through environmental design principles identified within the advertised policy and incorporates:

- Amendments to the structure of the LPP to improve readability and reflect the latest structure of LPPs
- Divide planning applications into macro, meso and micro scales and apply designing out crime principles to each scale as appropriate
- Provide a *Designing Out Crime Toolbox* that major developments must use when making a planning application

These refinements are not considered to alter the material intent of the policy but rather assist with practical implementation.

***A copy of the (as advertised) LPP 24 is with attachments marked [SD081.1/02/11 \(E09/4850\)](#)***

***A copy of the revised LPP 24 is with attachments marked [SD081.2/02/11 \(E11/290\)](#)***

#### Local Planning Policy 33 – Construction of Dams

Following the preparation of LPP 33 – Construction of Dams, a number of refinements are recommended to LPP33 to enhance the practical implementation of the policy. Although minor nature, they are detailed as follows:

- General reformatting of Background and Policy Statement areas to improve readability
- Relocate sections relating to performance criteria and requirements into a separate schedule
- Provide additional information to applicants and their responsibilities

These refinements are not considered to alter the material intent of the policy but rather assist with practical implementation.

***A copy of the revised LPP 33 Construction of Dams policy, incorporating changes tracked, is with attachments marked [SD081.3/02/11 \(E11/291\)](#)***

#### LPP 34 – Placement of Fill

Following the preparation of LPP 34 – Placement of Fill, a number of refinements are recommended to LPP34 to enhance the practical implementation of the policy. Although minor in nature, they are detailed as follows:

- General reformatting of Background and Policy Statement areas to improve readability
- Relocate sections relating to performance criteria and requirements into a separate schedule
- Provide additional information to applicants and their responsibilities

These refinements are not considered to alter the material intent of the policy but rather assist with practical implementation.

***A copy of the revised LPP 34 Placement of Fill policy, incorporating changes tracked, is with attachments marked [SD081.4/02/11 \(E11/292\)](#)***

Recognising that the changes are substantial in nature, progressing with a revised policy through formal stakeholder engagement processes is recommended ahead of finalisation. Accordingly, a revised LPP has been prepared and is now presented to Council for consideration.

#### Options

There are three options available to Council in respect of each policy, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising
2. Defer consideration of the policy
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended in each instance.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

1. That Council adopt the following policies for advertising purposes:
  - a) Local Planning Policy 24 – Designing Out Crime as per Attachment *SD081.2/02/11 (E11/290)*
  - b) Local Planning Policy 33 – Construction of Dams as per Attachment *SD081.3/02/11 (E11/291)*
  - c) Local Planning Policy 34 – Placement of Fill as per Attachment *SD081.4/02/11 (E11/292)*
2. The Local Planning Policies to be advertised for public comment by:
  - a) A notice being placed in the Shire's Administration Centre;
  - b) A notice being placed on the Shire's internet website;
  - c) A letter being sent to key developers which may be affected by the new policies;
  - d) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
  - e) A letter being sent to relevant state government agencies.

CARRIED 6/1

**SUPPLEMENTARY REPORT**

Since the Committee meeting, the draft Local Planning Policy 34 – Placement of Fill has been amended to reflect changes requested by elected members.

The summary of major changes is identified as follows:

- Title changed to more accurately describe the scope of the policy
- Reinforcement within 2.0 Background, 3.0 Policy Application to detail exemptions to the policy
- Incorporation of acid sulphate soils as a risk fill material
- Requirement for supporting geotechnical information to support proposal
- Readability and grammatical changes to improve clarity of policy objectives

***A copy of the revised Local Planning Policy 34 – Placement of Fill is attached at [SD081.5/02/11](#).***

**SD081/02/11 Revised Officer Recommended Resolution:**

1. That Council adopt the following policies for advertising purposes:
  - a) Local Planning Policy 24 – Designing Out Crime as per Attachment *SD081.2/02/11 (E11/290)*
  - b) Local Planning Policy 33 – Construction of Dams as per Attachment *SD081.3/02/11 (E11/291)*

**c) Local Planning Policy 34 – Placement of Fill as per Attachment SD081.5/02/11 (E11/292)**

**2. The Local Planning Policies to be advertised for public comment by:**

- a) A notice being placed in the Shire’s Administration Centre;
- b) A notice being placed on the Shire’s internet website;
- c) A letter being sent to key developers which may be affected by the new policies;
- d) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
- e) A letter being sent to relevant state government agencies.

**SD081/02/11 COUNCIL DECISION/Revised Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Hoyer

**1. That Council adopt the following policies for advertising purposes:**

- a) Local Planning Policy 24 – Designing Out Crime as per Attachment SD081.2/02/11 (E11/290)
- b) Local Planning Policy 33 – Construction of Dams as per Attachment SD081.3/02/11 (E11/291)
- c) Local Planning Policy 34 – Placement of Fill in Non-urban areas as per Attachment SD081.5/02/11 (E11/292)

**2. The Local Planning Policies to be advertised for public comment by:**

- a) A notice being placed in the Shire’s Administration Centre;
- b) A notice being placed on the Shire’s internet website;
- c) A letter being sent to key developers which may be affected by the new policies;
- d) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia; and
- e) A letter being sent to relevant state government agencies.

**CARRIED 10/0**

**Council Note:** The resolution was amended to reflect the revised policy and add the words in Non-urban areas to the title of LPP34.

SD082/02/11		FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 52 – INTERIM DEVELOPMENT CONTRIBUTIONS – WESTERN BYFORD (A0429)	
Author:	Peter Varelis – Project Officer	In Brief  Final adoption of Local Planning Policy No. 52 - Interim Development Contributions Western Byford.	
Senior Officer:	Jason Robertson – Acting Director Development Services		
Date of Report	24 January 2010		
Previously	OCM002/07/10		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

## **Background**

Council at the Ordinary Meeting held 26 July 2010 gave consent to advertise draft Local Planning Policy No. 52 - Interim Development Contributions Western Byford (the Policy).

The Policy was advertised for 43 days in accordance with the provisions of Part IX of the Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2 from 1 November 2010 to 13 December 2010.

Three submissions were received and this report discusses the implications of these submissions and in light of the feedback received, proposes some modifications to the Policy.

***A copy of the advertised draft LPP52 is with attachments marked [SD082.1/02/11](#).***

## **Proposed Amendments**

Below is a summary of amendments made to the Policy:

<b>Policy Clause</b>	<b>Summary of Modification</b>
4.3.1	Modified to provide further clarity on the required value of security.
4.4.2.1	Modified to acknowledge the potential over provision of infrastructure and its permissibility to be used in subsequent stages of subdivision or development.
4.7	An additional clause outlining the role and responsibility of developers in keeping proper and itemised records of items used to off-set contribution liabilities.

***A copy of the proposed schedule of submissions and modifications is with attachments marked [SD082.2/02/11](#).***

***A copy of the revised LPP52 is with attachments marked [SD082.3/02/11](#).***

## **Sustainability Statement**

***Effect on Environment:*** DCAs are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, DCAs have no impact on the environment, as they are principally 'administrative' and 'financial' arrangements. Indirectly, however, DCAs can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment. Equally, the infrastructure that may be funded from a DCA may have a significant impact on the environment; for example the construction of drainage infrastructure, the upgrading of regional road networks and the provision of public open space.

***Resource Implications:*** DCAs can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire's natural, human and financial resources to be efficiently and effectively used.

***Economic Viability:*** DCAs have the potential to have a very significant impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to DCAs have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development. The financial implications (and risks) for Council are very significant. Local Governments are

required to effectively ‘underwrite’ contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a contribution arrangement. The financial impacts of DCAs on all stakeholders should not be underestimated. Further information on this matter is provided later in this report.

The financial risks associated with establishing and implementing DCAs needs to be carefully considered. Should Council have to invest significant funds into a DCA (for example, to pre-fund infrastructure or to make good a loss), its ability to meet other social and environmental obligations may be compromised.

**Economic Benefits:** DCAs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCAs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

**Social – Quality of Life:** The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single person will be able to be satisfied. Roads, paths and public open space are some of the key considerations.

**Social and Environmental Responsibility:** It is important that DCAs are easily understandable by all stakeholders in terms of what they are and what they are not. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

**Social Diversity:** A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
Local Government Act 1995  
Town Planning Scheme No. 2 (TPS 2)  
Statement of Planning Policy 3.6  
Byford Structure Plan

**Policy/Work Procedure Implications:** A number of policies and work procedures will need to be developed and implemented to support the transition from legal agreements to the finalised development contribution arrangement.

**Financial Implications:** There are significant financial implications associated with DCAs. The implications are discussed in detail later in this report.

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Infrastructure		
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
	Strategy and Planning		

Vision Category	Focus Area	Objective Summary	Objective
		Strategic Direction	Prepare effectively for future development.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		The Planning Process	Develop comprehensive governance policies and strategies.
			Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
			Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

## Comment

### Interim Development Contribution Arrangements

In the interim and until such time as the formal DCA is finalised, Clause 5.19.1.5 of TPS 2 provides provision for other arrangements, satisfactory to the Shire, being established to attain development contributions. Interim Development Contribution Arrangements (IDCA) are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to finalisation of the DCA. IDCAs also ensure that sufficient funds are collected to facilitate the delivery of associated infrastructure and lands. Contribution rates applied in the interim are almost certain to evolve by the time of finalisation. IDCAs are the legal mechanism by which the Shire can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who have already developed as per rates depicted at the time the DCA is finalised.

Through this Policy, Council provides the broader community with an understanding of what the Shire considers to be a satisfactory arrangement.

### Potential Off-sets

In determining contribution rates the Shire may take into consideration situations where developers have provided infrastructure and/or land, envisaged to be included with the finalised DCA. In determining the value of any envisaged off-sets, the Shire may have regard to both the latest infrastructure provided by subdividers and the latest land rates adopted by Council. Subdividers are to acknowledge that off-sets are based on infrastructure items envisaged to be included within the finalised DCA and provided in that stage of subdivision. The inclusion or exclusion of items that provide for an off-set cannot be guaranteed by the Shire as final approval lies with the Western Australian Planning Commission and the Minister for Planning. In this regard, the value of infrastructure and land provided as an off-set may need to be paid upon finalisation of the DCA should the off-set not form part of the finalised DCA.

### Financial Risks

IDCAs are intended to protect the financial and community interests of the Shire and all landowners within a contribution area. Interim arrangements as outlined above become the

legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation. If no mechanism was put in place to ensure finalised contributions were paid a number of outcomes may result including but not limited to:

- Infrastructure not being provided, either in a timely manner or at all,
- A significant financial burden on the Shire, that may need to be addressed through the allocation of municipal funds;
- A financial burden on future landowners, that may need to be addressed through the establishment of a rating-mechanism;
- A financial burden on other existing landowners, through higher contributions at the time of subdivision and development.

Although interim arrangements are not popular, require resources to establish and administer and do not completely eliminate financial risk to stakeholders, the benefits of having interim arrangements generally outweigh the negative aspects.

#### Resource Implications

It is important to note that DCA's require significant resources to be allocated to them to ensure their orderly finalisation. The processes and procedures entailed with establishing interim arrangements take up a significant amount of officer time. Council should focus the Shire's finite resources on finalising the DCA at the earliest opportunity and on activities where direct and indirect costs are recoverable by the Shire.

#### Policy Context

The provisions of this Policy do not bind Council to this approach and other arrangements may be considered on their merits should they arise or circumstances change over time. It is important to note that the Policy reflects recent decisions made by the Executive and provides for a fair and consistent approach amongst subdividers.

#### **Community Consultation:**

Draft LPP52 was advertised for 43 days, by way of advertisement in local newspapers, publication on the Shire website, and letters sent to all landholders within the policy area.

Three submissions were received, mainly stipulating further clarification with regard to specific provisions. Officers have sought to resolve these issues by way of modifications to the advertised Policy.

***A copy of the proposed schedule of submissions and modifications is with attachments marked [SD082.2/02/11](#).***

Should Council proceed with final adoption of the revised Policy the following shall occur in accordance with Provision 9.3 of TPS2:

- A notification shall be published once in a newspaper circulating within the area; and;
- A copy of the Policy shall be forwarded to the Western Australian Planning Commission.

#### **Options**

There are three primary options that are available to Council in considering the draft LPP, as follows:

- (1) to adopt the LPP as advertised, without modification;
- (2) to adopt the LPP with modification/s; and
- (3) to not adopt the LPP.

**Conclusion**

The Policy provides clear guidance to developers on interim development contributions and for those that are providing district infrastructure, an outline of how the Shire will equate a potential off-set.

The Shire’s officers are committed to progressing the Byford DCA in a timely manner. However, it is important for Council to establish a formal policy position in the interim, as the pace of development continues to grow and matters relating to interim development contributions arise.

Adoption of the revised Policy with modifications is recommended.

**Voting Requirements:** Simple Majority

**SD082/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Hoyer**

**That Council:**

- 1. Adopt Local Planning Policy No. 52 – Interim Development Contributions – Western Byford as shown in *Attachment SD082.3/02/11*.**
- 2. Publish a notification once in a newspaper circulating within the area.**
- 3. Provide a copy of Local Planning Policy No. 52 – Interim Development Contributions – Western Byford to the Western Australian Planning Commission.**

**CARRIED 9/1**

*Cr Randall declared an interest in item SD083/02/10 and left the room at 9.34pm.*

<b>SD083/02/11 LOCAL PLANNING POLICY NO. 55 – INTERIM DEVELOPMENT CONTRIBUTIONS – EASTERN BYFORD (A1912)</b>		
<b>Author:</b>	Peter Varelis – Planning Officer	In Brief  Final adoption of Local Planning Policy No. 55 - Interim Development Contributions Eastern Byford.
<b>Senior Officer:</b>	Brad Gleeson – Director Development Services	
<b>Date of Report</b>	August 2010	
<b>Previously</b>	SCM029/01/10; SD088/12/09; SD129/04/10; SD026/09/10	
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Sustainable Development Committee Meeting on 15 December 2009, the following resolution was passed:

*“That subject to legal advice being received and a report being presented to the January Sustainable Development Committee meeting, Council considers the return of the excess developer contribution funds, presently held in the designated trust account, which represents the difference between the amount collected from certain ratepayers in Byford East and the amount determined by the Draft Byford Structure Plan - Byford Developer Contribution Plan.”*

A Special Council Meeting was then held on the 29 January 2010 where Council formally considered the matter and passed the following resolution:

*“Moved Cr Hoyer, seconded Cr Kirkpatrick*

*That Council:*

- 1. Notes the legal advice provided by McLeods at Attachment SCM021. 1/01/10.*
- 2. Notes the financial risks associated with the administration of development contribution arrangements and associated interim arrangements, as outlined in this report.*
- 3. Acknowledges that the final amount payable by landowners can only be determined at the time of the contribution arrangement becoming operational, upon finalisation and gazettal of an Amendment to the Shire’s Town Planning Scheme No. 2.*
- 4. Acknowledges that landowners, in entering into legal agreements at the time of subdivision and development, have accepted the financial risks and uncertainty surrounding the Byford Development Contribution Arrangement.*
- 5. Requires, as an interim position for the Byford east area from this date forward, that any interim arrangement that is entered between a landowner and Council shall require the payment of the estimated cost contribution in cash and additional security, to the value of not less than 50% of the estimated contribution in the form of a cash payment or bank guarantee. All costs associated with establishing an interim arrangement shall be borne by the proponent.*
- 6. Acknowledges the need to treat all affected landowners in an open, transparent, consistent and fair manner.*
- 7. Provides to those landowners to the east of South Western Highway, who have already entered into a legal agreement, with an update on the Byford Development Contribution Arrangement and invite those landowners to make arrangements with Officers of the Shire for a partial refund to be made to the extent to which the level of funds/security provided is not less than those landowners now wishing to proceed with subdivision and development, as outlined in part 5 of this resolution.*
- 8. Acknowledges that all costs associated with establishing supplementary legal agreements to enable any adjustment to occur, estimated to be in the order of \$500 for each agreement shall be the responsibility of the relevant landowner and shall not be recoverable through the Byford Development Contribution Arrangement, either now or upon finalisation.*
- 9. Notes that the resources allocated by Council to the finalisation of the Byford Development Contribution Arrangement are not unlimited and that these resources would be most effectively utilised in finalising the Contribution Arrangement at the earliest opportunity.*
- 10. Notes that further reports will be presented to Council at the earliest opportunity in order to progress the Byford Development Contribution Arrangement towards finalisation.*
- 11. Notes that a further report will be presented to Council at the earliest opportunity to formally consider a policy position for interim arrangements for development contribution arrangements.*

*CARRIED 7/0”*

Council at its Ordinary Meeting of 27 April 2010 resolved to adopt Council Policy No.11 for the Interim Developer Contributions Byford East, which formalized the above resolution.

Local Planning Policy No. 55 (LPP55) - Interim Development Contributions Eastern Byford (the Policy) has been developed to ultimately replace Council Policy 11 and provide guidance for interim development contribution refunds and the preparation of interim development contribution arrangements prior to finalisation of the Byford Development Contribution Arrangement (DCA).

The Policy was advertised for 43 days in accordance with the provisions of Part IX of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 from 1 November 2010 to 13 December 2010.

No submissions were received; however this report does propose some modifications to the Policy to ensure its proper and orderly functionality.

***A copy of the advertised draft LPP 55 is with attachments marked [SD083.1/02/11](#).***

### **Proposed Amendments**

Below is a summary of amendments made to the Policy:

<b>Policy Clause</b>	<b>Summary of Modification</b>
4.3.1	Modified to provide further clarity on the required value of security.

***A copy of the revised LPP 55 is with attachments marked [SD083.2/02/11](#).***

### **Sustainability Statement**

***Effect on Environment:*** LPP 55 and resultant interim DCA are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, LPP 55 and the Byford DCA have no impact on the environment, as they are principally ‘administrative’ and ‘financial’ arrangements. Indirectly, however, LPP 55 and resultant interim DCA can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment.

***Resource Implications:*** LPP 55 and resultant interim DCA can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire’s natural, human and financial resources to be efficiently and effectively used.

***Economic Viability:*** LPP 55 and resultant interim DCA have the potential to significantly impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to LPP 55 and resultant interim DCA have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development.

The financial implications (and risks) for Council are very significant. Local Governments are required to effectively ‘underwrite’ contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a contribution arrangement. The financial impacts of LPP 55 and resultant interim DCA on all stakeholders should not be underestimated.

The financial risks associated with establishing and implementing LPP 55 and resultant interim DCA needs to be carefully considered. Should Council have to invest significant

funds into LPP 55 and resultant interim DCA (for example, to pre-fund infrastructure or to make good a loss), its ability to fund other obligations or projects may be compromised.

**Economic Benefits:** LPP 55 and resultant interim DCA, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, LPP 55 and resultant interim DCA does not offer any direct economic benefits to an area. LPP 55 and resultant interim DCA can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

**Social – Quality of Life:** The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single person will be able to be satisfied. Roads, paths and public open space are some of the key considerations.

**Social and Environmental Responsibility:** It is important that LPP 55 and resultant interim DCA are easily understandable by all stakeholders in terms of what they are and what they are not. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

**Social Diversity:** A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Statement of Planning Policy 3.6  
Byford District Structure Plan  
Local Government Act

**Policy/Work Procedure Implications:** A number of policies and work procedures will need to be developed and implemented to support the finalisation of the Byford Developer Contribution Plan.

**Financial Implications:** There are significant financial implications associated with DCAs. The implications are discussed in detail later in this report.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Infrastructure		
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
	Strategy and Planning		
		Strategic Direction	Prepare effectively for future development.

Vision Category	Focus Area	Objective Summary	Objective
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		The Planning Process	Develop comprehensive governance policies and strategies.
			Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
			Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

## Comment

### Interim Development Contribution Arrangements

In the interim and until such time as the formal DCA is finalised, Clause 5.19.1.5 of TPS 2 provides provision for other arrangements, satisfactory to the Shire, being established to attain contributions. Interim arrangements through draft LPP 55 are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to finalisation of the DCA. Interim arrangements also ensure that sufficient funds are collected to facilitate the delivery of associated infrastructure and lands. Contribution rates applied in the interim are almost certain to evolve by the time of finalisation. Interim arrangements through draft LPP 55 will be the legal mechanism by which the Shire can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who have already developed as per rates depicted at the time the DCA is finalised.

Through draft LPP 55, Council provides the broader community with an understanding of what the Shire considers to be a satisfactory arrangement.

### Interim Refunds

Council in the past has engaged a number of consultants to provide advice and undertake works relating to the DCA. Cost estimates supporting draft LPP 55 were provided to the Shire with the best available information at that given point in time. These estimates were applied to previous interim arrangements and were considerably higher than those estimates currently applied. For this reason the draft Policy provides for provisions which facilitate an interim refund of previous estimates with current cost estimates being applied and any excess of previous contributions refunded. Although refunds are available to those landowners who had paid higher cost estimates it is important to note that there will be further revisions to the cost estimates prior to finalisation.

### Financial Risks

Interim arrangements through draft LPP 55 are intended to protect the financial and community interests of the Shire and all landowners within a contribution area. Interim arrangements as outlined above become the legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation. If no mechanism was put in place to ensure finalised contributions were paid a number of outcomes may result including but not limited to:

- Infrastructure not being provided, either in a timely manner or at all,

- A significant financial burden on the Shire, that may need to be addressed through the allocation of municipal funds;
- A financial burden on future landowners, that may need to be addressed through the establishment of a rating-mechanism;
- A financial burden on other existing landowners, through higher contributions at the time of subdivision and development.

Although interim arrangements are not popular, require resources to establish and administer and do not completely eliminate financial risk to stakeholders, the benefits of having interim arrangements generally outweigh the negative aspects.

### Policy Context

The provisions of LPP 55 do not permanently bind Council to this interim approach and other arrangements may be considered on their merits should they arise or circumstances change over time.

### Community Consultation:

Draft LPP52 was advertised for 43 days, by way of advertisement in local newspapers, publication on the Shire website, and letters sent to all landholders within the policy area.

No submissions were received; however this report does propose some modifications to the Policy to ensure the proper and orderly functionality of the Policy.

Should Council proceed with final adoption of the revised Policy the following shall occur in accordance with Provision 9.3 of TPS 2:

- A notification shall be published once in a newspaper circulating within the area; and
- A copy of the Policy shall be forwarded to the Western Australian Planning Commission.

### Options

There are three primary options that are available to Council in considering the draft LPP, as follows:

- (1) to adopt the LPP as advertised, without modification;
- (2) to adopt the LPP with modification/s; and
- (3) to not adopt the LPP.

### Conclusion

LPP 55 provides clear guidance to developers on interim developer contributions and those that have already developed on how to obtain a partial refund.

The Shire's officers are committed to progressing the Byford DCA in a timely manner. However, it is important for Council to establish a formal policy position in the interim, as the pace of development continues to grow and matters relating to interim development contributions arise.

Adoption of the revised Policy with modifications is recommended.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Adopt Local Planning Policy No. 55 – Interim Development Contributions – Western Byford as shown in **Attachment SD083.2/02/11**.
2. Publish a notification once in a newspaper circulating within the area.
3. Provide a copy of Local Planning Policy No. 55 – Interim Development Contributions – Eastern Byford to the Western Australian Planning Commission.

**SD083/02/11 COUNCIL DECISION/Committee Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Brown

That Council:

1. Adopt Local Planning Policy No. 55 – Interim Development Contributions – Eastern Byford as shown in **Attachment SD083.2/02/11**.
2. Publish a notification once in a newspaper circulating within the area.
3. Provide a copy of Local Planning Policy No. 55 – Interim Development Contributions – Eastern Byford to the Western Australian Planning Commission.

**CARRIED 9/0**

Cr Randall was not present and did not vote.

**Committee Note: The officers recommended resolution was amended by replacing the word “Western” with “Eastern” in Condition 1. as this was a typing error.**

*Cr Randall returned to the room at 9.35pm.*

CGAM039/02/11		REVIEW OF POLICY G903 – RATES COLLECTION AND GENERAL DEBTORS (A1048)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Amend Council Policy G903 Rates Collection and General Debtors.
Owner:	Not applicable	
Author:	Casey Mihovilovich - Executive Manager Financial Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	3 February 2011	
Previously	OCM023/01/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

In January 2010 the rates collection and general debtors' policy was reviewed. The policy contained legal jargon that is no longer used and did not provide Shire officers with enough certainty in terms of how far Council are willing to proceed to recover the debt. The proposed policy will ensure Shire officers are clear with the instructions from Council to recover any debt owed.

**A copy of the current policy with recommended tracked changes is with attachments marked [CGAM039.1/02/11](#) (E10/6217).**

**A copy of the proposed policy (accepting all changes) is with attachments marked [CGAM039.2/02/11 \(E10/6218\)](#).**

**Statutory Environment:**

The following sections of the Local Government Act 1995 apply;

**6.55. Recovery of rates and service charges**

(1) Subject to subsection (2) and the *Rates and Charges (Rebates and Deferments) Act 1992* rates and service charges on land are recoverable by a local government from —

(i) the owner at the time of the compilation of the rate record; or

(ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land

(2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

**6.56. Rates or service charges recoverable in court**

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

**Policy/Work Procedure Implications:**

Proposal to amend Policy G903 Rates Collection and General Debtors

**Financial Implications:**

There are no financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK			
	Leadership		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
			Elected members and staff have a clear understanding of their roles and responsibilities.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence

Vision Category	Focus Area	Objective Summary	Objective
			based, open and transparent.
			The Shire will set policy direction in the best interests of the community.
	<b>Strategy and Planning</b>		
		The Planning Process	Develop comprehensive governance policies and strategies.
			Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	<b>Success and Sustainability</b>		
		Achieving Sustainability	Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
			Address the barriers to doing business in a positive way.
	<b>Customer and Market Focus</b>		
		Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
			Improve the communication and sharing of information internally.
			Improve the communication and sharing of information externally.
			Improve the accessibility of Shire services.
			Use marketing and promotional tools to inform and manage customer expectations.
		Effective management of customer relationships	Encourage and support staff to proactively deal with complex customer service issues.
		Customer perception of value	Address the barriers to doing business in a positive way.
			Utilise marketing to promote the Shire's vision
			Strive to continually improve customer satisfaction and stakeholder relationships.
	<b>Process Management, Improvement and Innovation</b>		
		Identification and Management of Processes	Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs

**Community Consultation:**

Required: No

**Comment:**

Shire officers are in the process of entering into legal proceedings for the 2010/2011 financial year and the current policy does not specify the exact legal process and whether Council are committed to entering into judgement after a service of claim has been issued.

There are also outstanding ratepayers who will not enter into formal payment arrangements, and who owe many years of outstanding rates; however Shire officers are hesitant to enter into legal proceedings due to uncertainty of the Policy. The changes in the policy will provide Shire officers clear instructions that if a ratepayer is not committed to clearing the debt and does not enter into a formal payment arrangement then legal proceedings will commence.

A formal payment arrangement is necessary to ensure Shire officers can monitor payments when outstanding debts are to be paid. If ratepayers were to make a commitment to pay but did not go through the formal payment arrangement, Shire officers would have to manually check each assessment each week to determine whether the repayment has been made. Unfortunately the rates officers do not have the capacity in their workload to include this task and strategically the Finance department are looking to find improvements and to become more efficient, and allowing informal payment arrangements would create inefficiencies, and the requirement for additional resources.

**Voting Requirements:** Simple Majority

**CGAM039/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer  
That Council adopt the revised policy G903 Rates Collection and General Debtors.  
CARRIED 10/0**

CGAM040/02/11 PLAN FOR THE FUTURE 2011/2012 TO 2014/15 (A0119 )	
Proponent:	Serpentine Jarrahdale Shire
Owner:	Not Applicable
Author:	Casey Mihovilovich - Executive Manager Finance
Senior Officer:	Alan Hart - Director Corporate Services
Date of Report	20 January 2011
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
<b>Delegation</b>	<b>Council</b>

In Brief  
To adopt the draft Fully Costed Plan for the Future 2011/2012 – 2014/2015.

**Background**

At December's Ordinary Council Meeting, Council adopted the Forward Capital Works Plan, which has been submitted to the Department of Local Government in order to be eligible for the Country Local Government Fund (CLGF) in the future.

The forward capital works plan addressed the following;

1. Infrastructure items only, not plant and equipment
2. Infrastructure that is currently owned by the Council
3. Expenditure for five years, commencing 2010/11

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**A copy of the forward capital works plan 2010/11 to 2014/15 is with attachments marked [CGAM040.1/02/11](#) (E10/6158).**

The following documents were used as references when the plan was prepared;

1. Community Facilities and Services Plan (CFSP)
2. Engineering Services Priority Roads Report
3. Footpath Improvement Program

Council workshops were held throughout 2010 to explain the Plan for the Future. At Policy Forum in February 2011 a presentation was made to Council.

**A copy of the presentation of the Plan for the Future is with attachments marked [CGAM040.2/02/11](#) (E11/500).**

**A copy of the Draft Fully Costed Plan for the Future 2010/11 to 2014/15 is with attachments marked [CGAM040.3/02/11](#) (E11/511).**

### **Sustainability Statement**

**Effect on Environment:** All infrastructure items outlined in the plan will aim to enhance the environment (built and natural)

**Use of Local, Renewable or Recycled Resources:** Where possible, locally available or produced resources will be used.

**Economic Viability:** All ongoing costs of proposed infrastructure are also identified in the plan. Ensuring buildings are properly maintained and there are adequate funds set aside for maintenance will reduce future costs for council.

**Economic Benefits:** The plan provides economic benefits to the community through a number of outcomes, such as employment creation, tourism generation and the provision of local resources where otherwise not available.

**Social – Quality of Life:** The plan improves the quality of life for the community through the following;

Planning/Subdivisions: Public open space with amenities.

Assets: quality of roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, and cycleways.

Finance: In the proposed risk assessment of each infrastructure item if grant funds are not approved, then where identified, projects will be postponed, to avoid residents having to pay for these items. The plan heavily relies on external funding to achieve all infrastructure items in the plan to be achieved.

**Social and Environmental Responsibility:** The plan is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation. Through the Community Facilities and Services Plan, the community was consulted, and infrastructure identified which was included in this plan.

Council is aware that relationships with other funding bodies are imperative when implementing this plan.

**Social Diversity:** The plan caters for all sectors of society, for example, disabled access to all facilities, and caters for all groups, which includes, seniors, youth, and families.

**Statutory Environment:**

Section 5.56 of the *Local Government Act 1995* states:

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Section 19 of the *Local Government Act 1995* states:  
*19C. Planning for the future.*

- (1) In this regulation and regulation 19D — Plan for the Future means a plan made under section 5.56.
- (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
- (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
- (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- (5) A council is to consider a plan, or modifications, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant.  
\*Absolute majority required.
- (6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.
- (7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
- (8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
- (9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

***19D. Notice of plan to be given***

- (1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).
- (2) The local public notice is to contain —
  - (a) notification that —
    - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;  
or

(b) where a plan for the future of the district has been modified —

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

**Policy/Work Procedure Implications:**

There are no work procedure/policy implications directly related to this issue.

**Financial Implications:**

The Plan for the Future is a projection of the future. There will be future financial implications for Council. The Plan for the Future will be considered when developing the budget for subsequent financial years. The Plan for the Future will be modified in the next twelve months once the Developer Contribution Plan has been considered by the Minister.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
			Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
			Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
			Encourage built form that positively contributes to streetscape amenity.
			Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
			Enable built form that accommodates a range of business and family circumstances and needs.
			Preserve, enhance and recognise heritage values within the built form.
			Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
			Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
			Provide a variety of affordable passive and active public

Vision Category	Focus Area	Objective Summary	Objective
			open spaces that are well connected with a high level of amenity.
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
			Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
			Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
			Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
			Plan and develop community gardens.
			Encourage innovative solutions, technology and design.
	<b>Infrastructure</b>		
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
			Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
			Ensure that bridge and road network planning and development considers community safety and emergency management.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Create low maintenance living streams and ephemeral wetlands.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
			Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
			Incorporate, in selective locations, deciduous “air conditioning”, fruit and ornamental trees in streetscapes and public spaces.
			Encourage the innovative incorporation of rain, roof, vertical

Vision Category	Focus Area	Objective Summary	Objective
			and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Proactively and positively negotiate mutually beneficial outcomes with the development industry.
			Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
			Partner with educational institutions to undertake appropriate and related research.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
			Celebrate awards and achievements with partners to promote our vision.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
		Restore	Establish increased levels of natural vegetation in urban and rural environments.
		Biodiversity	Prevent the further loss of "local natural areas"
	<b>Integrated Water Cycle Management</b>		
		Quantity	Promote and implement water conservation and reuse.
			Identify and implement opportunities for detention and storage of stormwater.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			Enforce the adoption of "better urban water management".
		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
	<b>Energy</b>		
		Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
			Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
	<b>Waste</b>		
		Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		Recover	Improve local government waste management practices to efficiently recover, retreat and reuse all waste.
		Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.
<b>OUR COUNCIL AT WORK</b>			
	<b>Leadership</b>		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
			We are realistic about our capacity to deliver.
			Elected members and staff have a clear understanding of

Vision Category	Focus Area	Objective Summary	Objective
			their roles and responsibilities.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence based, open and transparent.
			The elected members and staff operate from a common understanding of sustainability.
			The Shire will further establish itself as an innovative leader.
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
	<b>Success and Sustainability</b>		
		Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
			Projects and goals are realistic and resourced.
			The culture, decision making and work systems need to be readily adaptable to change.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
			Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>		
		Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
			Understand current and future costs of service delivery.
		A Great Place to Work	Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
			Accommodate a diversity of people and work habits
<b>PEOPLE AND COMMUNITY</b>			
	<b>Wellbeing</b>		
		Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
			Enable the provision of a range of facilities and services for families and children.
			Monitor and respond to the changing needs of our ageing population.
		Happy	Promote respect, responsibility and resilience in our community.
			Improve access and inclusion for all.
			Encourage, support and celebrate volunteerism.
			Understand and respond to the needs of our youth.
			Actively engage youth in local decision making.
			Encourage youth participation in community activities,

Vision Category	Focus Area	Objective Summary	Objective
			groups and networks.
		Safe	Achieve a high level of community safety
			Develop and implement crime prevention strategies.
	<b>Relationships</b>		
		Encourage	Foster positive working relationships with and between volunteers.
			Encourage intergenerational interactions and activities.
			Create opportunities to identify and address social isolation.
			Identify opportunities for people to work together for their mutual benefit.
		Empower	Grow and sustain our strong community spirit.
			Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
			Empower people to represent their community of interest.
			Achieve a sense of belonging through active networks and community groups.
			Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
			Foster ownership and commitment within partnerships in order to achieve shared visions.
			Enable inclusive, accessible and appropriate communications.
		Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
			Actively engage, and value the contribution of all stakeholders in better decision making.
			Engage existing and new residents in sharing neighbourly and community values.
	<b>Places</b>		
		Vibrant	Create vibrant urban and rural villages.
			Develop well connected neighbourhood hubs and activity centres.
			Build the community's capacity to create vibrant places through activities and events.
			Ensure community spaces and places are accessible and inviting.
			Plan and facilitate the provision of a range of facilities and services that meet community needs
			Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
			Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
			Plan and develop safe communities and places.
		Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
			Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
			Enable and develop sustainable, multipurpose facilities where duplication is minimised.
			Encourage the use of the arts to express our cultural identity.
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
			Acknowledge and accommodate diversity and multicultural interests in our places.

**Community Consultation:**

Required: Yes

The draft Plan for the Future will be advertised for a fourteen day period. In this period the draft will be advertised on the website, in the local newspaper, and an alert emailed to community groups advising that the draft Fully Costed Plan for the Future is available for comments.

The Forward Capital Works Plan was developed from previous community engagement from the Community Facilities and Services Plan.

If comments are received after the closing date these comments will be considered when the review of the Plan for the Future takes place in the next twelve months.

A report will be presented to Council once the advertising period concludes to adopt The Plan for the Future. Once adopted by Council, The Plan will be advertised to the public notifying that it is available for inspection.

### **Comment:**

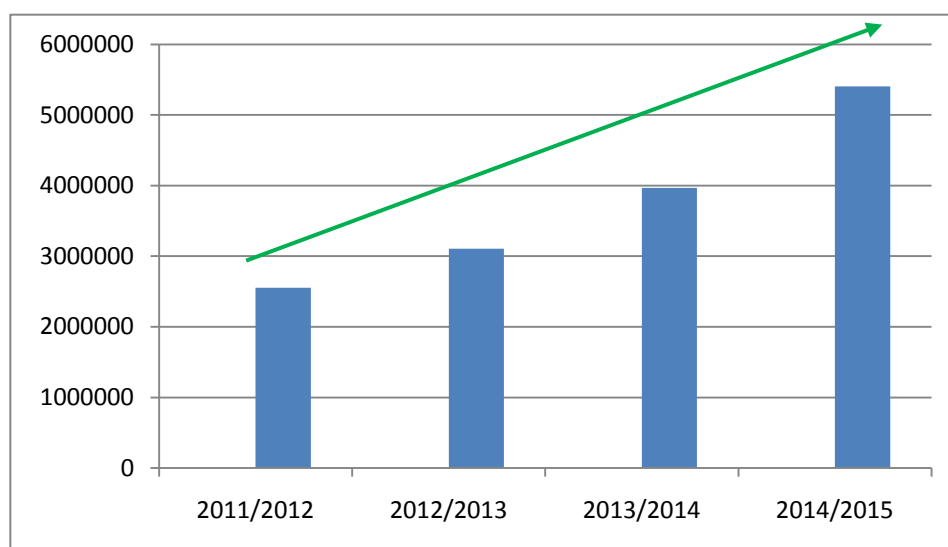
It must be noted that the Plan for the Future is not a budget, but a part projection and part predictive indicator of the future. Below is a summarised table of the Plan for the Future.

PLAN FOR THE FUTURE SUMMARY	2011/2012	2012/2013	2013/2014	2014/2015
Operating Income	18,475,571	20,298,040	22,175,115	24,224,366
Operating Expenditure	(17,452,732)	(18,145,743)	(18,941,046)	(20,168,494)
Operating Expenditure from Growth/Development	(366,637)	(628,721)	(1,274,040)	(1,441,679)
<b>Net Operating Result</b>	<b>656,202</b>	<b>1,523,576</b>	<b>1,960,029</b>	<b>2,614,193</b>
Capital Income	4,019,707	7,964,000	4,046,667	10,121,667
Capital Expenditure	(7,400,113)	(11,301,031)	(7,476,466)	(13,149,220)
Proceeds from Sale of Light Fleet	890,000	705,000	928,500	739,500
Net Transfer Reserves	(360,905)	(548,770)	(862,693)	(1,438,911)
Net Transfer Restricted	740,000	0	0	0
Proposed New Loans	2,748,465	2,782,315	2,814,193	2,667,118
Principal Loan Repayments	(1,093,356)	(1,325,090)	(1,410,230)	(1,554,347)
Carried Forward Surplus	0	200,000	0	0
<b>Estimated Surplus / (Deficit)</b>	<b>200,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

For the purposes of The Plan;

1. All non cash items (i.e. depreciation and profit/loss on sale of assets) have been excluded.
2. Operating income and expenses are based on the 2010/2011 budget, with escalation factors for future years.
3. This is not a budget. In preparation of the annual budget the contents of The Plan will be considered.
4. All components of The Plan have been explained further in the attachment.

The Shire recognises the need to put aside funds for specific purposes for a future financial year. Putting aside funds in reserves reduces the impact on rates in a year that the expenditure has to be incurred. Below is a summary of the total reserve balance for each year in The Plan;



RESERVES	2011/2012	2012/2013	2013/2014	2014/2015
<b>Total Balance</b>	<b>\$2,555,415</b>	<b>\$3,104,185</b>	<b>\$3,966,878</b>	<b>\$5,405,790</b>

The Plan for the Future makes assumptions about the future and these assumptions are outlined below;

### **Rates Assumptions**

ASSUMPTIONS	2011/2012	2012/2013	2013/2014	2014/2015
Figure used in calculations	7.5%	8.0%	7.0%	7.0%
Lots released*	500	500	500	500
Cumulative lots released in previous years	350	850	1,350	1,850
Average rate after 1st year	1,183	1,278	1,367	1,463
Average rate for interims	615	664	710	760
New property rates income (1st year)	307,500	332,000	355,000	380,000
New property rates income (subsequent years)	414,050	1,086,300	1,845,450	2,706,550

\*Based on id forecasts

### **Other Assumptions**

ASSUMPTIONS	2011/2012	2012/2013	2013/2014	2014/2015
Employee Costs	4.0%	4.0%	4.0%	4.0%
CPI Operating Income & Expenses	3.5%	3.5%	3.5%	3.5%
Interest	6.0%	6.0%	6.0%	6.0%
Road Construction & Maintenance	6.0%	6.0%	6.0%	6.0%
Grants Revenue	3.5%	3.5%	3.5%	3.5%

Shire officers have recommended that the Plan for the Future be in line with the Forward Capital Works Plan which concludes after the 2014/2015 financial year.

There are some major developments that will influence the Plan for the Future which have not been finalised. One significant document that will not be finalised until the end of 2011 is the Byford Developer Contribution Plan. Once this document is approved by the Minister a

review of the Plan for the Future will be completed, incorporating any comments from the public which were received after the advertising closing date.

A President's message will be prepared prior to the adoption of the fully costed Plan for the Future at the February 2011 Ordinary Council Meeting that details how the plan addresses the results of the community perceptions survey.

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM040/02/11 COUNCIL DECISION/Committee /Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Buttfeld**

**That Council adopts the draft Fully Costed Plan for the Future 2011/12 to 2014/15 as per attachment marked CGAM040.3/02/11 (E11/511).**

**CARRIED 10/0**

**Council Note: Attachment CGAM040.3/02/11 (E11/511) has been updated to include the President's message.**

**Council Note: Council would like to thank Casey Mihovilovich for the excellent work she provided on the fully costed plan for the future.**

CGAM042/02/11		MUNDIJONG TRANSFER STATION, EXPRESSIONS OF INTEREST (A0668)
Proponent:	Serpentine Jarrahdale Shire	In Brief  That Council support the feasibility study and seek Expressions of Interest for the development and operation of a waste recycling drop off facility at Mundijong waste transfer station.
Owner:	Serpentine Jarrahdale Shire	
Author:	Uwe Striepe - Executive Manager Engineering	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	9 November 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

The Waste Management Board WA prepared the Zero Waste Plan Development Scheme (ZWPDS) in 2006. Phase 1 of the ZWPDS, consisted of a survey of waste activities and tonnages from information submitted by local and regional Councils. After review of the data, the Department of Environment and Conservation (DEC) submitted recommendations based on their findings. One of the recommendations from the DEC required the Shire to investigate the feasibility of establishing drop off centres for a range of materials at a local landfill or waste transfer station.

To satisfy the ZWPDS, Rivers Regional Council (RRC) developed a Strategic Waste Management Plan (SWMP) in collaboration with all its member councils. The SWMP included a number of recommendations, one of them being a feasibility study to establish a waste drop off facility for Serpentine Jarrahdale Shire. In 2009, the RRC commissioned Cardno to undertake a feasibility study to investigate the establishment of a waste drop off site at Mundijong Transfer Station.

Cardno made a presentation on the report to Elected Members and Leadership team on 14 December 2010 at 2pm.

***A copy of Cardno's presentation to Elected Members and Leadership Team on 14 December 2010 with regard to Mundijong Transfer Station as a waste drop off site is with attachments marked [CGAM042.1/02/11](#) (E11/322).***

***A copy of Cardno's feasibility study investigating Mundijong Transfer Station as a waste drop off site is with attachments marked [CGAM042.2/02/11](#) (E11/321).***

### **Sustainability Statement**

***Effect on Environment:*** The development of a Waste Recycling facility in Mundijong will promote recycling of waste and thereby minimise pollution of the environment.

***Biodiversity:*** Energy Use/Greenhouse Gas Emissions are minimised through recycling of materials. Air Quality: The proposal minimises emissions to the environment as the recycling of materials is promoted.

***Resource Implications:*** Resources: Wastage of non renewable resources are minimised through recycling. The proposal minimises waste that would normally go to landfill.

***Use of Local, Renewable or Recycled Resources:*** Mundijong Transfer Station is a local facility, so development of a waste drop of facility would promote local recycling of waste.

***Economic Viability:*** Responses to the advertisement for expressions of interest will provide a more realistic answer to this question. Cardno's report states that initial investment needs to be done in the facility which will need to be offset against income before a profit may be realised.

***Economic Benefits:*** Although initially establishment costs may need to be offset against any economic benefit, there is a good chance that the drop of facility would be able to generate income for the Shire in years to come.

### **Statutory Environment:**

Contaminated Site Act 2003  
Waste Avoidance and Resource Recovery Act 2008  
Environment Protection (NEPM-UPM) Regulations 2007

### **Policy/Work Procedure Implications:**

RRC Waste Management Policy  
Zero Waste Plan Development Scheme

### **Financial Implications:**

Cardno's feasibility study reports that there will be capital and operational costs involved in opening Mundijong transfer site as a drop off facility. The study suggests that the Shire should seek to find an operator so that costs may be lowered due to the economies of scale related to a Contractors existing operations. Cardno's recommendation would be to run an expression of interest or competitive tender process to determine the level of contractor interest.

The study indicates that should the Shire want to open the site, it would need to make an initial capital investment of \$111,000 to upgrade the infrastructure at the site. Operational costs per annum are estimated at

\$162,405 if the site is open for 3 days a week and \$342,000 per annum if it were open for 5 days a week.

The study also investigates the economic viability of the drop off facility by comparing the cost of providing tipping permits to operating costs for the facility. Indications are that the drop of facility would not initially be economically viable and a more detailed business plan needs to be prepared.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>	<b>Infrastructure</b>		
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
			Interact with professional and industry bodies to keep abreast of best practice.
<b>NATURAL ENVIRONMENT</b>	<b>Climate Change</b>		
		Mitigation	Minimise resource use
			Reduce the liberation of carbon into the atmosphere.
	<b>Waste</b>		
		Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		Recover	Improve local government waste management practices to efficiently recover, retreat and reuse all waste.
	Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.	
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
			We are realistic about our capacity to deliver.
			The Council and Leadership Team drive Strategy and Policy development.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence based, open and transparent.
			The elected members and staff operate from a common understanding of sustainability.
			The Shire will further establish itself as an innovative leader.
		Leadership through	Elected members and staff live our values and lead by example.

Vision Category	Focus Area	Objective Summary	Objective
		organisational culture	
			The organisational culture of elected members and staff is one of inspiration, inclusion and innovation.
			Elected members and staff operate in an environment of trust, respect, openness and transparency.
			The elected members and staff have a relationship of unity and work together to achieve goals.
		Society, community and environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
			Projects and goals are realistic and resourced.
			The culture, decision making and work systems need to be readily adaptable to change.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>		
		Generating collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
			Understand current and future costs of service delivery.
			Develop systems for data capture and analysis.
		Creating value through applying knowledge	Ensure evidence based decision making
			Improve service delivery through the application of knowledge.
			Critically examine the efficiency and effectiveness of service delivery
	<b>Customer and Market Focus</b>		
		Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
			Improve the accessibility of Shire services.
		Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
			Strive to continually improve customer satisfaction and stakeholder relationships.

Vision Category	Focus Area	Objective Summary	Objective
		Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.
<b>SUSTAINABLE ECONOMIC GROWTH</b>			
	<b>Industry Development</b>		
		Green Industries	Encourage the establishment of innovative industries involved in “reusing and recycling”.
			Foster the development of industries producing renewable energy related products and services.
		Creative and Knowledge Economies	Welcome and nurture creative industries and individuals.
	<b>Industry Assistance</b>		
		Promotion	Maximise promotion, marketing and networking opportunities for local businesses.
		Strategy	Undertake strategic Shire projects to stimulate local economies.
			Enter into partnership and joint venture projects that are mutually beneficial.
		Infrastructure	Examine the opportunities for utilisation of Shire facilities as business incubators.
		Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
			Foster the creation of a range of business start-up and traineeship opportunities.

**Community Consultation:**

Not required at this stage.

**Comment:**

Recommendation 2c of Cardno`s feasibility study into Mundijong Transfer Station as a drop off facility is as follows:

“Consider an Expression of Interest process to ascertain the level of interest with the operational contract of the facility.”

Slide 3 of Cardno`s presentation of 14 December 2010 defines what is meant by a Drop Off Site. The 3<sup>rd</sup> bullet contained therein has been reiterated below for ease of reference:

“Facility for refuse and recyclables – can be recycling only.”

Serpentine Jarrahdale Shire has an existing contract with Perthwaste Pty Ltd for waste collection services. The intended drop off facility at Mundijong Transfer Station would be for the purposes of recycling only.

**Voting Requirements:** Simple Majority

**CGAM042/02/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Hoyer  
That Council

1. Support the feasibility study for a waste drop off facility at Mundijong transfer station.

- 2. Seek Expressions of Interest for the development and operation of a drop off facility at Mundijong waste transfer station; and**
  - 3. A further report be presented to Council on the outcome of the expression of interest process.**
- CARRIED 10/0**

**9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:****COUNCIL DECISION**

Moved Cr Brown, seconded Cr Buttfield that the meeting be closed to members of the public at 9.42pm to allow Council to discuss confidential item OCM033/02/11 as per the Local Government Act section 5.23(2)d.  
**CARRIED 10/0**

OCM033/02/11	<b>CONFIDENTIAL ITEM PROPOSED FAST FOOD/TAKEAWAY SHOP, OFFICE AND SHOP – LOT 101 (#1) BEENYUP ROAD, BYFORD (P05238/02 &amp; P05238/03)</b>	
Proponent:	Peter D Webb & Associates	In Brief  The applicant has lodged an application for review with the State Administrative Tribunal (SAT) against the previous refusal issued by Council for this development. The SAT has invited Council to further consider the application. It is proposed that Council recommend to the Western Australian Planning Commission that the application be conditionally approved.
Owner:	Nile Enterprises Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	1 February 2011	
Previously	SD029/09/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**OCM033/02/11 Officer Recommended Resolution:**

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to refuse an application for planning approval for Lot 101 (1) Beenyup Road, Byford.**
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.**
- C. Council, pursuant to Clause 5.2 of Town Planning Scheme No. 2, varies the car parking requirements to allow a total of 65 car bays to be provided for the development and varies the setback requirements to allow those as shown on the site plan dated 9 February 2009 (drawing no. P001 revision 2).**
- D. Council, as per the Notice of Delegation, recommends to the Western Australian Planning Commission that the proposed Fast Food/Takeaway Shop, Office and Shop on Lot 101 (1) Beenyup Road, Byford be approved subject to the following conditions:**

**PLANNING**

- 1. A legal agreement being entered into between the landowner and the Shire prior to the commencement of site works relating to such matters as commencement, staging, interim arrangements and the completion of the development. The agreement to be prepared by the Shire's solicitors at the expense of the landowner.**

2. An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter implemented, to the satisfaction of the Shire, that addresses such matters as:
  - a) Antisocial behaviour management;
  - b) Complaints handling;
  - c) Litter management; and
  - d) Trading hours.
3. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's draft Local Planning Policy No.59 *Public Art Policy for Major Development* to the satisfaction of the Director Development Services.

#### AMENITY

4. The external walls of the building are to be painted natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes, including samples of materials to be used, is to be provided for approval to the satisfaction of the Director Development Services prior to the commencement of site works.
5. Air conditioning and extraction units are to be located so as not to create an insanitary condition or produce an environmental nuisance and may require odour or noise suppression devices. Location/s to be to the satisfaction of the Director Development Services.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible for any street or public area to the satisfaction of council and installed to prevent loss of amenity to the area by its appearance, noise, emissions or otherwise.
7. All sewerage wastes and water pipes are to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.
9. A masonry noise wall shall be constructed on the boundary of Lot 101 and Lot 2, for the length of the designated drive-through area to the satisfaction of the Director Development Services. Detailed plans to be submitted and approved prior to the commencement of works.

#### LOADING BAY

10. All loading and unloading to take place within the boundaries of the premises.

#### VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

11. Arrangements being made to the satisfaction of the Director Engineering for the construction of the public road within the road reserve to the East of Lot 101, to the extent that the road reserve abuts the boundary of Lot 101, prior to occupation of the Fast Food/Takeaway Shop.
12. Arrangements being made for the upgrading of Beenyup Road along the frontage of Lot 101 to the satisfaction of the Director Engineering prior to occupation of the Fast Food/Takeaway Shop. This shall include the construction of the median within Beenyup Road for the full length of the

- northern boundary of Lot 101 to prevent right turn movements to the site from Beenyup Road.
13. A footpath being constructed along the Northern and Western boundaries of Lot 101 to the full extent of the property boundaries to the satisfaction of the Director Engineering.
  14. A traffic management plan being submitted and approved by the Director Engineering prior to the commencement of site works.
  15. Sixty-five (65) car parking bays to be provided in accordance with the plans attached to and forming part of this approval.
  16. One (1) disabled parking bay is to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
  17. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
  18. The design of the car parking bays are to comply with the relevant Australian Standards and Regulations.
  19. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
  20. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
  21. Bicycle parking facilities being provided in accordance with draft Local Planning Policy No.58 *Bicycle Facilities in Urban Developments* to the satisfaction of the Director Engineering.

#### EXTERNAL LIGHTING

22. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
23. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast.

#### STORMWATER

24. An Urban Water Management Plan and detailed technical drawings and specifications for the property area are to be submitted and approved by the Director Engineering prior to the commencement of site works and thereafter implemented in its entirety. Once approved the Urban Water Management Plan is to be implemented in its entirety.
25. A petrol and oil trap being installed in the car park drainage system prior to occupation of any building to the specification and satisfaction of the Director Engineering.

#### BIN STORAGE AND PICK-UP

26. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Director Development Services.

27. The service areas are to be screened from public view to the satisfaction of the Director Development Services.

#### **SIGNAGE**

28. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
29. No signs are to be displayed in the road reserve adjacent to the site at any time.

#### **LANDSCAPING**

30. A Landscape and Vegetation Management Plan for the entire development site, including all car parking areas and road verges, must be submitted (in duplicate) to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
31. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
32. Street furniture (fixed seating and bins) to be provided within the development and on the Beenyup Road road reserve to the satisfaction of the Shire.

#### **FENCING**

33. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation. The construction of any fence along the property boundary will require approval from the Shire. Detailed plans are to be submitted for approval by the Director Development Services.

#### **Advice Notes:**

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
3. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
4. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation are to be submitted at building application stage.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.

6. The applicant is advised that the landscape design should be guided by Crime Prevention Through Environmental Design principles.
7. The Landscape and Vegetation Management Plan shall:
  - a) Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
    - ii. Areas of drainage swales for at source storm water percolation; and
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
  - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
8. Adequate soft landscaped areas are to be provided to ensure the 1 Year 1 Hour ARI storm events are managed and treated on site.
9. The Shire encourages the following Water Sensitive Urban Design principles:
  - a) The use of permeable surfaces within the car park;
  - b) Installation of flash kerbs around tree wells;
  - c) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
  - d) Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);
  - e) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
  - f) Harvesting storm water run-off from roofs and hard surfaces wherever possible;
  - g) Extensive use of local plants, grown to provenance; and
  - h) The use of reticulation systems suitable for native plants where applicable.
10. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
11. The facility is required to comply with the Health (*Public Buildings) Regulations 1992*.
12. The development is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.
13. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the *Food Regulations 2009* to the satisfaction of the Shire.
14. A “suitable enclosure” referred to in condition 25 means an enclosure:
  - a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Director Development Services;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1m in width, fitted with a self-closing gate;

- e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
15. The noise wall is to be designed to incorporate anti graffiti measures, shall blend in with the surrounding buildings and must incorporate panels for public art.
- E. That Council recommend to the Western Australian Planning Commission that the application for the proposed off-site advertising signage within the South Western Highway road reserve be refused for the following reasons:
1. The application is considered to adversely impact on the visual amenity of the Byford town site.
  2. The application is considered unnecessary given that the development incorporates a substantial amount of on-site signage.
  3. The application will set an undesirable precedent for other similar requests for signage along the South Western Highway.
  4. The signage is not permitted under the requirements of Local Planning Policy No. 5.
- F. That the State Administrative Tribunal and those persons who lodged a submission during the comment period be advised of Council's decision.

*Cr Ellis left the room at 9.56pm and returned at 9.59pm*

**OCM033/02/11 New Motion:**

Moved Cr Hoyer, seconded Cr

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to refuse an application for planning approval for Lot 101 (1) Beenyup Road, Byford.
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.
- C. Council, pursuant to Clause 5.2 of Town Planning Scheme No. 2, varies the car parking requirements to allow a total of 65 car bays to be provided for the development and varies the setback requirements to allow those as shown on the site plan dated 9 February 2009 (drawing no. P001 revision 2).
- D. Council, as per the Notice of Delegation, recommends to the Western Australian Planning Commission that the proposed Fast Food/Takeaway Shop, Office and Shop on Lot 101 (1) Beenyup Road, Byford be approved subject to the following conditions:

**PLANNING**

1. A legal agreement being entered into between the landowner and the Shire prior to the commencement of site works relating to such matters as commencement, staging, interim arrangements and the completion of the development. The agreement to be prepared by the Shire's solicitors at the expense of the landowner.
2. An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter

implemented, to the satisfaction of the Shire, that addresses such matters as:

- a) Antisocial behaviour management;
- b) Complaints handling;
- c) Litter management; and
- d) Trading hours.

3. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's draft Local Planning Policy No.59 *Public Art Policy for Major Development* to the satisfaction of the Director Development Services.

#### AMENITY

4. The external walls of the building are to be painted natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes, including samples of materials to be used, is to be provided for approval to the satisfaction of the Director Development Services prior to the commencement of site works.
5. Air conditioning and extraction units are to be located so as not to create an insanitary condition or produce an environmental nuisance and may require odour or noise suppression devices. Location/s to be to the satisfaction of the Director Development Services.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible for any street or public area to the satisfaction of council and installed to prevent loss of amenity to the area by its appearance, noise, emissions or otherwise.
7. All sewerage wastes and water pipes are to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.
9. A masonry noise wall shall be constructed on the boundary of Lot 101 and Lot 2, for the length of the designated drive-through area to the satisfaction of the Director Development Services. Detailed plans to be submitted and approved prior to the commencement of works.

#### LOADING BAY

10. All loading and unloading to take place within the boundaries of the premises.

#### VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

11. Arrangements being made for the upgrading of Beenyp Road along the frontage of Lot 101 to the satisfaction of the Director Engineering prior to occupation of the Fast Food/Takeaway Shop. This shall include the construction of the median within Beenyp Road up to the access way to allow for full access and egress left and right, that there be dual lanes constructed either side of the median with provision for a clearway at the access and egress site.
12. A footpath being constructed along the Northern and Western boundaries of Lot 101 to the full extent of the property boundaries to the satisfaction of the Director Engineering.

13. A traffic management plan being submitted and approved by the Director Engineering prior to the commencement of site works.
14. Sixty-five (65) car parking bays to be provided in accordance with the plans attached to and forming part of this approval.
15. One (1) disabled parking bay is to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
16. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
17. The design of the car parking bays are to comply with the relevant Australian Standards and Regulations.
18. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
19. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
20. Bicycle parking facilities being provided in accordance with draft Local Planning Policy No.58 *Bicycle Facilities in Urban Developments* to the satisfaction of the Director Engineering.

#### EXTERNAL LIGHTING

21. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
22. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast.

#### STORMWATER

23. An Urban Water Management Plan and detailed technical drawings and specifications for the property area are to be submitted and approved by the Director Engineering prior to the commencement of site works and thereafter implemented in its entirety. Once approved the Urban Water Management Plan is to be implemented in its entirety.
24. A petrol and oil trap being installed in the car park drainage system prior to occupation of any building to the specification and satisfaction of the Director Engineering.

#### BIN STORAGE AND PICK-UP

25. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Director Development Services.
26. The service areas are to be screened from public view to the satisfaction of the Director Development Services.

#### SIGNAGE

27. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
28. No signs are to be displayed in the road reserve adjacent to the site at any time.

#### LANDSCAPING

29. A Landscape and Vegetation Management Plan for the entire development site, including all car parking areas and road verges, must be submitted (in duplicate) to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
30. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
31. Street furniture (fixed seating and bins) to be provided within the development and on the Beenyup Road road reserve to the satisfaction of the Shire.

#### FENCING

32. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation. The construction of any fence along the property boundary will require approval from the Shire. Detailed plans are to be submitted for approval by the Director Development Services.

#### Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
3. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
4. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation are to be submitted at building application stage.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
6. The applicant is advised that the landscape design should be guided by Crime Prevention Through Environmental Design principles.
7. The Landscape and Vegetation Management Plan shall:
  - a) Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;

- ii. Areas of drainage swales for at source storm water percolation; and
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
  - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
- 8. Adequate soft landscaped areas are to be provided to ensure the 1 Year 1 Hour ARI storm events are managed and treated on site.
- 9. The Shire encourages the following Water Sensitive Urban Design principles:
  - i) The use of permeable surfaces within the car park;
  - j) Installation of flash kerbs around tree wells;
  - k) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
  - l) Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);
  - m) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
  - n) Harvesting storm water run-off from roofs and hard surfaces wherever possible;
  - o) Extensive use of local plants, grown to provenance; and
  - p) The use of reticulation systems suitable for native plants where applicable.
- 10. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
- 11. The facility is required to comply with the *Health (Public Buildings) Regulations 1992*.
- 12. The development is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.
- 13. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the *Food Regulations 2009* to the satisfaction of the Shire.
- 14. A “suitable enclosure” referred to in condition 24 means an enclosure:
  - a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Director Development Services;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1m in width, fitted with a self-closing gate;
  - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
- 15. The noise wall is to be designed to incorporate anti graffiti measures, shall blend in with the surrounding buildings and must incorporate panels for public art.

- E. That Council recommend to the Western Australian Planning Commission that the application for the proposed off-site advertising signage within the South Western Highway road reserve be refused for the following reasons:**
- 1. The application is considered to adversely impact on the visual amenity of the Byford town site.**
  - 2. The application is considered unnecessary given that the development incorporates a substantial amount of on-site signage.**
  - 3. The application will set an undesirable precedent for other similar requests for signage along the South Western Highway.**
  - 4. The signage is not permitted under the requirements of Local Planning Policy No. 5.**
- F. That the State Administrative Tribunal and those persons who lodged a submission during the comment period be advised of Council's decision.**

**The motion lapsed for want of a seconder.**

**OCM033/02/11 COUNCIL DECISION/Alternate Recommended Resolution:**

**Moved Cr Harris, seconded Cr Randall**

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to refuse an application for planning approval for Lot 101 (#1) Beenyup Road, Byford.**
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.**
- C. Council, pursuant to Clause 5.2 of Town Planning Scheme No. 2, varies the car parking requirements to allow a total of 65 car bays to be provided for the development and varies the setback requirements to allow those as shown on the site plan dated 9 February 2009 (drawing no. P001 revision 2).**
- D. The proposed Fast Food/Takeaway Shop, Office and Shop on Lot 101 (1) Beenyup Road, Byford be approved subject to the following conditions:**

**PLANNING**

- 1. A legal agreement being entered into between the landowner and the Shire prior to the commencement of site works relating to such matters as commencement, staging, interim arrangements and the completion of the development. The agreement to be prepared by the Shire's solicitors at the expense of the landowner.**
- 2. An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter implemented, to the satisfaction of the Shire, that addresses such matters as:**
  - a) Antisocial behaviour management;**
  - b) Complaints handling;**
  - c) Litter management; and**
  - d) Trading hours.**
- 3. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's draft Local Planning Policy No.59**

**Public Art Policy for Major Development to the satisfaction of the Director Development Services.**

#### **AMENITY**

4. The external walls of the building are to be painted natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes, including samples of materials to be used, is to be provided for approval to the satisfaction of the Director Development Services prior to the commencement of site works.
5. Air conditioning and extraction units are to be located so as not to create an insanitary condition or produce an environmental nuisance and may require odour or noise suppression devices. Location/s to be to the satisfaction of the Director Development Services.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible for any street or public area to the satisfaction of council and installed to prevent loss of amenity to the area by its appearance, noise, emissions or otherwise.
7. All sewerage wastes and water pipes are to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.
9. A masonry noise wall shall be constructed on the boundary of Lot 101 and Lot 2, for the length of the designated drive-through area to the satisfaction of the Director Development Services. Detailed plans to be submitted and approved prior to the commencement of works.

#### **LOADING BAY**

10. All loading and unloading to take place within the boundaries of the premises.

#### **VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS**

11. Arrangements being made to the satisfaction of the Director Engineering for the construction of the public road within the road reserve to the East of Lot 101, to the extent that the road reserve abuts the boundary of Lot 101, prior to occupation of the Fast Food/Takeaway Shop.
12. Arrangements being made for the upgrading of Beenyup Road along the frontage of Lot 101 to the satisfaction of the Director Engineering prior to occupation of the Fast Food/Takeaway Shop. This shall include the construction of the median within Beenyup Road for the full length of the northern boundary of Lot 101 to prevent right turn movements to the site from Beenyup Road.
13. A footpath being constructed along the Northern and Western boundaries of Lot 101 to the full extent of the property boundaries to the satisfaction of the Director Engineering.
14. A traffic management plan being submitted and approved by the Director Engineering prior to the commencement of site works.
15. Sixty-five (65) car parking bays to be provided in accordance with the plans attached to and forming part of this approval.
16. One (1) disabled parking bay is to be provided along with the required statutory signage and markings to the satisfaction of the Shire.

17. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
18. The design of the car parking bays are to comply with the relevant Australian Standards and Regulations.
19. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
20. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
21. Bicycle parking facilities being provided in accordance with draft Local Planning Policy No.58 *Bicycle Facilities in Urban Developments* to the satisfaction of the Director Engineering.

#### EXTERNAL LIGHTING

22. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
23. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast.

#### STORMWATER

24. An Urban Water Management Plan and detailed technical drawings and specifications for the property area are to be submitted and approved by the Director Engineering prior to the commencement of site works and thereafter implemented in its entirety. Once approved the Urban Water Management Plan is to be implemented in its entirety.
25. A petrol and oil trap being installed in the car park drainage system prior to occupation of any building to the specification and satisfaction of the Director Engineering.

#### BIN STORAGE AND PICK-UP

26. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Director Development Services.
27. The service areas are to be screened from public view to the satisfaction of the Director Development Services.

#### SIGNAGE

28. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.

29. No signs are to be displayed in the road reserve adjacent to the site at any time.

#### LANDSCAPING

30. A Landscape and Vegetation Management Plan for the entire development site, including all car parking areas and road verges, must be submitted (in duplicate) to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
31. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
32. Street furniture (fixed seating and bins) to be provided within the development and on the Beenyup Road road reserve to the satisfaction of the Shire.

#### FENCING

33. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation. The construction of any fence along the property boundary will require approval from the Shire. Detailed plans are to be submitted for approval by the Director Development Services.

#### Advice Notes:

16. A building licence must be applied for and issued by Council before any work commences on the site.
17. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
18. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
19. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation are to be submitted at building application stage.
20. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
21. The applicant is advised that the landscape design should be guided by Crime Prevention Through Environmental Design principles.
22. The Landscape and Vegetation Management Plan shall:
- a) Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
    - ii. Areas of drainage swales for at source storm water percolation; and
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and

- creation of a “sense of place”. This includes dry planting of local plants on verges.
- c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
23. Adequate soft landscaped areas are to be provided to ensure the 1 Year 1 Hour ARI storm events are managed and treated on site.
24. The Shire encourages the following Water Sensitive Urban Design principles:
- q) The use of permeable surfaces within the car park;
  - r) Installation of flash kerbs around tree wells;
  - s) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
  - t) Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);
  - u) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
  - v) Harvesting storm water run-off from roofs and hard surfaces wherever possible;
  - w) Extensive use of local plants, grown to provenance; and
  - x) The use of reticulation systems suitable for native plants where applicable.
25. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
26. The facility is required to comply with the Health (*Public Buildings*) *Regulations 1992*.
27. The development is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.
28. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the *Food Regulations 2009* to the satisfaction of the Shire.
29. A “suitable enclosure” referred to in condition 25 means an enclosure:
- a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Director Development Services;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1m in width, fitted with a self-closing gate;
  - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
30. The noise wall is to be designed to incorporate anti graffiti measures, shall blend in with the surrounding buildings and must incorporate panels for public art.
- E. That Council recommend to the Western Australian Planning Commission that the application for the proposed off-site advertising signage within the South Western Highway road reserve be refused for the following reasons:
- 1. The application is considered to adversely impact on the visual amenity of the Byford town site.

2. The application is considered unnecessary given that the development incorporates a substantial amount of on-site signage.
3. The application will set an undesirable precedent for other similar requests for signage along the South Western Highway.
4. The signage is not permitted under the requirements of Local Planning Policy No. 5.

F. That the State Administrative Tribunal and those persons who lodged a submission during the comment period be advised of Council’s decision.

**CARRIED 9/1**

**Council Note:** As the Shire and Main Roads WA (MRWA) have reached an agreement with respect to access to the site, part D of the officer recommendation was modified to remove the requirement for the application to be forwarded to the Western Australian Planning Commission (WAPC) for determination.

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Brown  
The meeting be adjourned at 10.22pm  
**CARRIED 10/0**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Butfield  
The meeting be reconvened at 10.31pm  
**CARRIED 10/0**

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Hoyer  
The meeting was re-opened to the public at 10.32pm  
**CARRIED 10/0**

*Cr Lowry declared an interest in item OCM034/02/11 and left the room at 10.33pm.*

OCM034/02/11		MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN – PROPOSED MODIFICATIONS – LOCAL GOVERNMENT CONSULTATION (A0858)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  The WAPC has referred the amended Mundijong Whitby District Structure Plan to Council for consultation.  It is recommended that Council support the recommended response to the schedule of modifications.
Owner:	Various Landowners	
Author:	Deon van der Linde – Executive Manager Strategic Planning	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	7 February 2011	
Previously	SD040/10/10 OCM038/05/10 SCM16/12/09 SD69/11/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	

Delegation	Council	
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## **Background**

The Mundijong-Whitby District Structure Plan (DSP) has been prepared to provide overall guidance to the structure, vision and objectives identified for the future planning and development of Mundijong/Whitby. It is designed to establish the overall development theme and address major district-wide issues in order to facilitate efficient and coordinated development in a manner that delivers the objectives and vision identified. The DSP by its nature is not intended to address detailed planning and design matters but to provide the context for which these matters can be appropriately dealt with as part of further more detailed planning design.

The draft DSP was prepared and considered at a Council Meeting on 24 May 2010, where Council resolved that pursuant to Clause 5.18.3.2 of Town Planning Scheme No.2 the Draft Mundijong-Whitby District Structure Plan was satisfactory for advertising.

The draft DSP was advertised for public comment for 42 days, concluding on 12 July 2010. A total of 45 submissions were received from private landowners, major development proponents, and government agencies ranging from the standard submission form and brief letters through to comprehensive submissions with many attachments. As a result of the consideration of the submissions a number of recommended modifications to the DSP documentation were proposed.

On 25 October 2010 Council adopted the DSP subject to modifications to enable the plan to provide a framework and strategic vision for the future development of the Mundijong-Whitby area. The resolution reads that Council:

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.6/10/10* and endorses the Shire staff responses to these submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.4/10/10* subject to the amended list of modifications outlined in *Attachment SD040.7/10/10* being made, with the following corrections:
  1. That modification #5, in the table of modifications, be amended to read:
 

Modify the District Structure Plan clauses relating to provision of the third pipe system as follows:

    - (a) to require planning and design to make allowance for the future provision of a third pipe system should current investigations support installation of such a third pipe system and insert requirement for Precincts B, D and F.
    - (b) to require any Local Structure Plan progressed prior to the finalisation of the Shire's investigations into integrated water cycle management, to design and plan a third pipe system.
    - (c) include a statement that, "The Shire is committed to investigating alternate sources of water and not applying the 'business as usual' approach. Should investigations support the installation of a third pipe system, developments will be required to include a third pipe system".
    - (d) to require that any subdivision progressed prior to finalisation of the Shire's investigations into integrated water cycle management will be required to plan, design and implement a third pipe system.
  2. That the table of modifications be amended to include an additional modification #35:
 

The community values its rural character, environment and rural lifestyle and as such the Council require some minor modifications to the DSP map to increase

- the overall length of distributor roads that are immediately adjacent to Multiple Use Corridors. The Council acknowledges that this is not suitable for every distributor road but feels strongly that at least one distributor road should follow a multiple use corridor. This will provide residents and visitors an opportunity to follow our vision of 'Experience the Beauty'.
3. Amend the Table of Modifications by removing the word 'potentially' from modification #9.
  4. Delete modification #16 of the table of modifications.
- C. Following compliance with part B of Council's resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
1. A summary of all submissions and comments received by the Shire in respect of the draft Mundijong-Whitby District Structure Plan, and Council's decisions or comments in relation to these.
  2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Mundijong-Whitby District Structure Plan, with modifications.
  3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Mundijong-Whitby District Structure Plan.
- D. Advises all persons and parties who made a submission on the draft Mundijong-Whitby District Structure Plan of its resolution.

Following the Council resolution to adopt the District Structure Plan in October 2010, the District Structure Plan was sent to the Western Australian Planning Commission to make a determination. Pursuant to Clause 5.18.3.13 of TPS 2, the Commission has indicated that it requires some minor modifications to the Structure Plan.

***A copy of the WAPC's correspondence is with attachments marked [OCM034.1/02/11](#) (IN11/01925, IN11/01926, IN11/01927, IN11/01928, IN11/01929, IN11/01930 and IN11/01931).***

This item deals with the requested modifications and the appropriate response to the Commission in this regard.

### **Sustainability Statement**

A Sustainability Strategy has been prepared as part of the District Structure Plan which identifies a number of sustainability criteria to be addressed. The Sustainability Strategy includes the following objectives:

1. Protect and enhance significant natural areas and their buffers, including those ecological linkage values along railroads, roads and scenic highways.
2. Preserve the "leafy green" character of the structure plan area including its scenic values, viewsapes and landscapes.
3. Protect and enhance wetlands, waterways and catchments through appropriate management of water quality and maintenance of hydrology as part of land use change and development.
4. Create a distinctive and responsive built form that enhances the sense of place, community identity and character of Mundijong-Whitby.
5. Reduce reliance on vehicles by creating a pedestrian-oriented community and providing for alternative modes of transport.
6. Reduce consumption of non-renewable resources via climate responsive design, efficient use of energy and water and increased use of renewable energy.
7. Create a strong employment base which provides for locally available infrastructure and services.

8. Create a vibrant and attractive place that offers a range of lifestyle choices and liveable environment, supporting a safe, healthy and active community.

**Effect on Environment:** The District Structure Plan incorporates the following planning principles to guide decision making:

1. The natural environment will be protected, repaired, enhanced and respected within the urban context.
2. Urban development will promote green power initiatives.
3. The total water cycle will be sustainably repaired, maintained and enhanced.
4. Feasible water cycle management approaches will be promoted.
5. Existing landform must be respected and maintained and be utilized to enhance the built environment.

**Resource Implications:** There will be a cost associated with the Shire's need to maintain multiple use corridors and other infrastructure.

**Use of Local, renewable or recycled Resources:** The DSP attempts to minimise resources within the Shire through the requirement of various strategies relating to water resources and climate responsive design at future stages of planning and development.

**Economic Viability:** The DSP seeks to retain the land in private ownership, providing opportunities for services and infrastructure to be delivered and maintained by the private sector and therefore minimising demands on the Shire.

**Economic Benefits:** The DSP provides for economic benefits to the community which will include employment generation (through the retail and other commercial activities that will be drawn to the area).

**Social – Quality of Life:** The DSP improves the quality of life for the community through being sensitive to the various community values and principles that are held dear to the community.

**Social and Environmental Responsibility:** The DSP requires that significant vegetation is maintained and indicates the possible realignment of the freight rail removing the barrier between either side of the DSP area which may have a significant social impact.

**Social Diversity:** The DSP seeks to provide a high level of diversity of housing types and lot sizes.

#### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2 – Clause 9.3(a)  
Town Planning Scheme No. 2 – Clause 5.18.3.13  
Local Planning Policy 19 (LPP 19)  
Local Planning Policy 29 (LPP 29)

#### **Policy/Work Procedure Implications:**

Western Australian Planning Commission (WAPC) Operational Policy - Liveable Neighbourhoods  
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment  
State Planning Policy 2.9 - Better Urban Water Management Framework (2008)  
State Planning Policy 3.0 – Urban Growth and Settlement  
State Planning Policy 3.1 – Residential Design Codes  
State Planning Policy 4.2 - Activity Centres for Perth and Peel

State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning

Local Planning Policy No. 6 – Water Sensitive Design

Local Planning Policy No. 8 – Landscape Protection

Local Planning Policy No. 9 Multiple Use Trails

Local Planning Policy No. 16 – Paterson Street Design Guidelines

Local Planning Policy No. 22 – Water Sensitive Urban Design

Local Planning Policy No. 26 – Biodiversity Planning

Local Planning Policy No. 29 – Mundijong-Whitby Planning Framework

Local Planning Policy No. 30 – Mineral Sands Extraction

**Financial Implications:**

There are major infrastructure considerations associated with the adoption of the DSP. Some of the infrastructure costs will be borne completely by the developers and agencies but others will have to be either fully or partially funded by the Shire. These include:

1. Re-alignment of the freight railway
2. Building of Tonkin Highway and the regional road network
3. Provision of high standard community facilities
4. Installation and operating of a third pipe system

There are also costs pertaining to the implementation of the DSP. Financial implications will include:

1. The preparation and finalisation of the Mundijong Development Contribution Arrangement (DCA) and its ongoing management.
2. Any potential land acquisitions associated with district open space.
3. The whole of life cycle cost related to the future maintenance and management of public open space and the public realm.
4. The whole of life cycle cost related to the future maintenance and management of the community infrastructure; and
5. Administration support and professional services to facilitate subdivision and development.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		10	Manage	Promote and develop appropriate tourism, recreation and educational opportunities.
		11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.

	<b>Integrated Water Cycle Management</b>	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		21	Education	Facilitate a range of educational initiatives to improve integrated water cycle management.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of “better urban water management”.
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	<b>Climate Change</b>	26	Research	Identify where knowledge gaps are and where further investigation is needed.
		27		Ensure climate change research is understandable and accessible to a range of stakeholders.
		28		Ensure that accurate data and risk assessments of the impacts of climate change inform plans and decisions.
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
	<b>Energy</b>	34	Production	Keep abreast of advances in renewable technology.
		35		Demonstrate, facilitate and promote the use of renewable energy technologies within the Shire.
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.

		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	<b>Infrastructure</b>	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.

		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
		59		Interact with professional and industry bodies to keep abreast of best practice.
		60		Establish, implement and maintain effective developer contribution schemes.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		9		Develop and maintain our heritage assets to encourage visitors.
		15	Education	Facilitate shire based life long learning and training opportunities, particularly those aligned to our local industries.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries
	<b>Industry Assistance</b>	20	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.
		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.
		23		Undertake strategic Shire projects to stimulate local economies.
		24		Enter into partnership and joint venture projects that are mutually beneficial.
		25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.
		28	Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
		29		Foster the creation of a range of business start-up and traineeship opportunities.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.

		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		13	Safe	Achieve a high level of community safety
	<b>Relationships</b>	16	Encourage	Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
	<b>Places</b>	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		38		Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>	3		Our structure, processes, systems and policies are based on the "keep it simple" principle.
		15		The Shire will set policy direction in the best interests of the community.
		26	Society, community and environmental responsibility	The Shire is focused on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

	<b>Success and Sustainability</b>	34	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
		35		Evaluate performance against recognised standards and best practice and make improvements.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		37		Create a culture where communication of achievement and performance is actively promoted.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		39		Projects and goals are realistic and resourced.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
		59	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
		65		Strive to continually improve customer satisfaction and stakeholder relationships.
	<b>Process Management, Improvement and Innovation</b>	92	Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.

### **Community Consultation:**

The Mundijong Whitby District Structure Plan has previously been advertised pursuant to Clause 5.18.3.5 of TPS2. The proposed modifications to the DSP are not considered to be so substantial that they materially affect the operation, layout, or function of the DSP therefore re-advertising under Clause 5.18.3.14 is not recommended as being necessary in this instance.

### **Comment:**

The WAPC in its review of the Mundijong Whitby DSP requested the modifications presented in the table below. This table is in Annexure 3 – Schedule of Modifications attached to the letter from the WAPC.

Page No.	Part	Section	Modification	Justification
	Index	All	<b>Update page numbers.</b>	Sections do not correspond to the page number in the index.
3	Index	4.2.3	<b>Remove all references within the DSP documentation pertaining to Network City – Community Planning Strategy for Perth and Peel and replace with <i>Directions 2031 and Beyond (WAPC August 2010)</i>.</b>	<i>Directions 2031 and Beyond</i> was adopted August 2010 as the regional framework for Perth and Peel.
12	1	6.9	<b>Address or reference the <i>Street Tree and Utility Discussion Paper (WAPC May 2006)</i> in the first paragraph as follows...</b> <i>“Planning and design to make allowance for adequate road and verge widths to accommodate the service alignments of a possible future dual water supply system and the property connections therefrom. The Street Tree and Utility Discussion Paper (WAPC May 2006) recommends the provision of 25% per hectare of road reserve to accommodate these items within the verge. Should investigations support the installation of a third pipe system, developments will be required to include a third pipe system.”</i>	This modification is required to enable the determination of land area necessary for location of utilities within the verge of the road network.
12	1	6.10	<b>Reference <i>Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design (WAPC November 2007)</i> as follows...</b> <i>“Local Structure Plans are required to include a Landscaping Masterplan and Landscape Survey including a visual landscape assessment. The document entitled ‘Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design (WAPC November 2007) should be used as a guideline for preparation of the landscape assessment. A Landscaping and Vegetation Management Plan will be required at subdivision stage.”</i>	This modification is to direct proponents to a guide for preparing landscape assessments in an acceptable format to the WAPC.

Page No.	Part	Section	Modification	Justification
31	2	Figure 3	<b>Regional context plan shows the district centre in the southern portion of the area.</b> This figure should reflect the DSP's conclusion that the District Activity Centre be located in the north-east quadrant of the DSP area as shown in attached <b>Attachment 3a.</b>	This is required to ensure consistent representation of information.
35	2	2.1.4.2, #4	<b>Change the sentence "A range of environmental items will need to be addresses" to "A range of environmental items will need to be addressed."</b>	Word correction.
41,42	2	Figure 6	<b>Delete one of the figures.</b>	Figure shown twice.
43	2	3.3	<b>Title should read "CONSERVATION", not "CONVERSATION".</b>	Word correction.
44	2	3.3	Last sentence concerning the statutory policy framework should read Bush Forever is " <b>State</b> " Planning Policy 2.8, not " <b>Statement</b> " of Planning Policy 2.8.	Word correction.
57	2	Figure 8	Increase clarity of figure.	Requires increased clarity.
61	2	Figure 9	Increase clarity of figure.	Requires increased clarity.
72	2	4.1.3.7	<b>Include SPP 2.8 as follows:</b> <i>"4.1.3.7 State Planning Policy 2.8 – The aim of this policy is to provide a policy and implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making. This will secure long-term protection of biodiversity and associated environmental values.</i>  <i>The policy recognises the protection and management of significant bushland areas as a fundamental consideration in the planning process, while also seeking to integrate and balance wider environmental, social and economic considerations. In general</i>	This clarification will include reference to a State Planning Policy which covers the many Bush Forever sites in the Mundijong-Whitby area and clarify requirements concerning individual sites.

Page No.	Part	Section	Modification	Justification
			<p><i>terms, the policy does not prevent development where it is consistent with the policy measures in this policy and other planning and environmental considerations.</i></p> <p><i>Proponents need to be aware that the Mundijong-Whitby area in the Shire of Serpentine-Jarrahdale contains several Bush Forever sites which must be protected from inappropriate development.”</i></p>	
74	2	4.2.5	<b>Delete second paragraph</b> “ <i>Bush Forever identifies Site 362 within the DSP area as a threatened ecological community and subject to the Peel-Harvey Coastal Plain Catchment State Planning Policy.</i> ”	The site is identified within the text of the DSP at Section 3.3 – Biodiversity Assets and Areas of High Conservation Priority, a summary of each Bush Forever area is provided in this section.
85	2	5.3.2.2	<b>Second strategy is a dot point, change to numeral.</b>	Dot point should be a number 2 and the remaining numbering updated accordingly.
87	2	5.3.4.1	Last sentence – “ <b>This well...</b> ” to “ <b>This will...</b> ”	Word correction.
90	2	5.3.6.2, #6	Change “ <b>...promotion of building...</b> ” to “ <b>...promotion of buildings...</b> ”	Word correction.
98	2	6.7	Last paragraph – “ <b>Public spaces will be surveilled...</b> ” to “ <b>Public spaces will be surveyed...</b> ”	Word correction.
101	2	7.3	<b>Insert table “Population Estimates” as per Attachment 3b.</b>	Missing Table 2: Population Estimates.
109	2	7.5	<b>Modify the first paragraph as follows:</b> “ <i>...These guidelines should be followed to determine the appropriate road reservation widths required for the development of the District and various Local Structure Plans. The following table indicates the Liveable Neighbourhoods cross sectional figure required for major roads within the DSP area:</i> ” Insert table as per <b>Attachment 3c.</b>	This will clarify the intent of the requirement for road reservation and relate to State Planning Policy.

Page No.	Part	Section	Modification	Justification
113	2	7.9.1	<b>Provide the STEM analysis by Laurie Piggott Consulting and the May 2009 'Report for Byford and Mundijong Regional Public Transport' prepared by GHD to the Appendices under 4.0 as Appendix 4.0: Traffic and Transport Assessments.</b>	Reports not referenced.
118	2	7.11.1	Existing Rail Alignment #2 – should be “...standalone” to “...stand alone...”	Word correction.
120	2	7.11.4	<b>Show a map with the preferred location of the passenger rail station under 7.11.4.</b>	Actual location of station cannot be determined through the text.
131	2	8.3.1	<b>In the table, under 'configuration', remove the term “Hybrid centre incorporating Main street and free standing mall” and insert “District Activity Centre incorporating Main Street activation”.</b>	A ‘hybrid centre incorporating Main street and free standing mall’ activity centre would not be supported by SPP 4.2 which requires the main street to be activated through the provision of sleeving of small scale mixed retail, commercial and residential around large format retail adjacent the main street.
138	2	Figure 20	Move District Centre ‘circle’ and symbol to the west to indicate the preferred catchment of the Activity Centre as per <b>Attachment 3d</b> .	To clarify the proposed location of the District Centre and ensure consistent representation of information.
140	2	11.1	2 <sup>nd</sup> paragraph from the bottom of the page should read “...allows for provision of 2%...”.	Word correction.
149	2	14.1	<b>Add referenced Parsons and Brinckerhoff study to the Appendices as “Appendix 9: Infrastructure and Services Study”.</b>	To ensure consistency of information and reference studies and reports for the DSP.
150	2	Figure 22	<b>Increase clarity of figure.</b>	Requires increased clarity.
152	2	Figure 23	<b>Amend figure to show entire DSP area as per Attachment 3e.</b>	The figure indicates an area that is subject to a referred LSP, not the whole DSP area.
162	2	14.2	<b>Change “The Oaklands drain...” to “The Oaklands drains...”.</b>	Word correction.

## Conclusion

The modifications as indicated in the table above are not substantive changes and for the most part refer to formatting or clarification of the information provided.

One table has been added as Attachment 3c Traffic Volumes & Road Designations and Related Liveable Neighbourhoods Element 2 – Indicative Road Section Figures. The added table has been checked by the Shire’s Engineering department and is consistent with the figures used by the Shire.

**Options**

There are 3 main options available to Council with respect to responding to the WAPC’s advice on proposed modifications to the DSP, as outlined below:

- Option 1 – to agree to the WAPC’s proposed modifications to the DSP.
- Option 2 – to agree to the WAPC’s proposed modifications to the DSP subject to changes.
- Option 3 – to reiterate Council’s resolution of 25 October 2010 as Council’s response to the WAPC’s proposed modifications to the DSP.

Option 1 is recommended as the most appropriate response.

**Voting Requirements:**                      Simple Majority

**OCM034/02/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Buttfeld, seconded Cr Harris  
That Council:

1. Note the Western Australian Planning Commission’s advice on and proposed modifications to the Mundijong Whitby District Structure Plan.
2. Agree with the Western Australian Planning Commission’s advice and make the changes to the Mundijong Whitby Structure Plan as tabulated within the Comment section of this report.

**CARRIED 9/0**  
Cr Lowry was not present and did not vote.

*Cr Lowry returned to the room at 10.41pm.  
Executive Manager Planning left the meeting at 10.41pm.*

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Buttfeld that the meeting be closed to members of the public at 10.42pm to allow Council to discuss confidential item OCM035/02/11 as per the Local Government Act section 5.23(2)d.  
**CARRIED 10/0**

OCM035/02/11	<b>CONFIDENTIAL ITEM - AFFIDAVITS OF DISCOVERY – IMPACT CLAIM (A0068-05)</b>	
Proponent:	Not Applicable	In Brief
Owner:	Not Applicable	

Author:	Alan Hart – Director Corporate Services	To seek Council's approval for the Director Corporate Services to sign affidavits of history on behalf of Council in accordance with Section 5.43(ha) of the Local Government Act.
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	15 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**OCM035/02/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Hoyer

That in accordance with Section 9.49A(4) of the Local Government Act (1995) as amended, the Shire of Serpentine Jarrahdale authorise the Director Corporate Services to Sign the affidavit verifying disclosure of documents.

**CARRIED 10/0**

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Hoyer

The meeting was re-opened to members of the public at 10.43pm.

**CARRIED 10/0**

**COUNCIL DECISION**

Moved Cr Hoyer, seconded Cr Harris that the meeting be closed to members of the public at 10.43pm to allow Council to discuss confidential item OCM036/02/11 as per the Local Government Act section 5.23(2)d.

**CARRIED 10/0**

*Cr Geurds declared an interest in item OCM036/02/11 and left the room at 10.43pm.*

OCM036/02/11		<b>CONFIDENTIAL ITEM - SALE BY TENDER - 8 STAFF STREET, JARRAHDAL (A1930)</b>
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council advertised for sale by tender, 8 Staff Street, Jarrahdale. There were two tenders received which were both below valuation. Is it recommended that Council do not accept any of the tenders received and the property be placed for sale.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 February 2011	
Previously	CGAM006/07/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**OCM036/02/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Brown  
That Council;

1. Does not accept any of the tenders (tender number RFT0015/2010) received for 8 Staff Street Jarrahdale;
2. Advise the Tenderers accordingly;
3. Appoint Byford Professionals as the real estate agent to dispose of 8 Staff Street, Jarrahdale.

**CARRIED 9/0**

Cr Geurds was not present and did not vote.

**COUNCIL DECISION**

Moved Cr Hoyer, seconded Cr Buttfild  
The meeting was re-opened to members of the public at 10.44pm.  
**CARRIED 9/0**

*Cr Geurds returned to the room at 10.45pm.*

OCM037/02/11		REVIEW OF WARDS COUNCILLOR REPRESENTATION (A1963)
Proponent:		In Brief
Owner:	Not Applicable	For Council to consider the outcome of the ward review and councillor representation that has recently been undertaken.  It is recommended that the Shire submit a proposal to the Local Government Advisory Board to reduce the number of wards from 4 to 3.
Author:	A Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	18 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

**Background**

In late 2010, the Department of Local Government (the Department) requested that the Shire undertake a review of ward boundaries and representation.

A commitment was given to the Department by Council to undertake the review as part of the Shire's local government reform submission in September 2009. The Department required this review to be completed, with recommendations on the review of wards and representation, by the 28 February 2011, including revising councillor numbers from 10 to 9.

In December 2010, the Shire commenced the public consultation process with advertising in both of the local papers and the West Australian with a closing date of 31 January 2011.

***A copy of the Final Report and Discussion Paper is with attachment marked [OCM037.1/02/11](#).***

**Sustainability Statement**

**Social Diversity:** The ward boundary review should provide an opportunity for the community to associate with its sense of belonging to the district. The review should consider the diversity of this community in considering any proposals or submissions.

**Statutory Environment:**

Clause 6 of Schedule 2.2 of the Local Government Act 1995 provides that local governments with wards undertake a review of the ward boundaries and the number of councillors in each ward from time to time and not more than eight years apart. It has been six years since the last review. Once the review is undertaken, a Council may propose changes to be made to the Local Government Advisory Board by absolute majority.

Clause 5 of Schedule 2.2 of the Local Government Act 1995 provides for local governments to undertake a review whether or not it has been requested to do so.

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application/issue.

**Financial Implications:**

There are no financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	<b>Leadership</b>			
		15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
	<b>Customer and Market Focus</b>			
		57	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.

**Community Consultation:**

The community has been consulted during this process. The Local Government Act 1995 requires that the public consultation period be six weeks. The six week public consultation period concluded on 31 January 2011. A public meeting was also held on 27 January 2011.

During this public consultation period 2 submissions were received and their comments are listed below;

Property Assessment #	Summary of Submission
A18454	No Ward Option as the Councillors would be representing the entire Shire
A18454	No Ward Option as this will serve us better

**Comment:**

The Shire presented to the public three options to revise the ward boundaries. The options were;

Option A – Four Wards

Option B – Three Wards

Option C – No Wards

Each option is discussed in detail as follows;

**OPTION A: Four Wards**

Four wards have been maintained in the Shire of Serpentine Jarrahdale for at least the last three ordinary elections without change to boundaries or representation. The current four ward boundaries are not suitable for ongoing representation and must be replaced. An alternative four ward structure with new boundaries is troublesome as explained below.

The four ward option is based upon the criterion that reliably allocates the forecast population data specifically enough to generate ward boundaries in areas of likely growth instead of presuming an even distribution across the entire Shire or significant parts of the Shire. The aim of this approach is to attempt to set in place ward boundaries:

- a. that reflect clearly identifiable communities of interest; and
- b. that will ensure balanced representation at least until 2016.

Communities of interest were identified by consideration of local traditional lifestyles and new lifestyles occurring within the district. Urban growth is occurring to the greatest extent in the proposed Urban Ward which includes Byford. This area comprises residential, commercial and light industrial activities. The recently published Byford Town Centre Structure Plan (LSP) provides a clear description of the future development that is expected in this ward.

The combined population for the Urban and Western Wards, (used in this option) could possibly reach about 70% of the total Shire population by 2016. Not only does this have high impact on the overall Shire representation but also within the ward itself. While the four ward option refers to communities of interest it is clear that there is less distinction between the communities within the Central Ward and the Southern Ward.

The four ward option representation delivers the deviation for the ratios shown in both Figs. 12&13. Two tables are included as there is uncertainty about the forecast population. The reliability of the forecast populations opens up the potential for imbalanced representation at future elections. This is symptomatic of a changing environment.

No of Councillors	Forecast population	DMS population	%	% of the total Shire
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WARDS		per Councillor in 2016	statistics for 2016	DEVIATION For 2016	population
Central	2	1:2343	4686	-8.8%	20.3%
West Ward	2	1:2636	5272	+2.6%	22.8%
Urban Ward	4	1:2640	10562	+2.8%	45.7%
Southern Ward	1	1:2601	2601	+1.2%	11.2%
<b>TOTAL SHIRE STATISTICS</b>	9	1:2569	23121	-	100%

Fig 12: Model A1: The numbers (based on the most recent available data) indicate that a balanced representation may occur in a four ward option if the population increase is low. Numbers stated are based on most recent information supplied by "DMS" in October 2010.

WARDS	No of Councillors	Forecast population per Councillor in 2016	Forecast ID Ward population 2016	% ratio deviation	% of the total Shire populati on
Central	2	1:2708	5417	-7.1%	19%
West Ward	2	1:2212	4425	+6.9%	17%
Urban Ward	4	1:3447	13368	-24.8%	53%
Southern Ward	1	1:2884	3029	-1.1%	11%
<b>TOTAL SHIRE STATISTICS</b>	9	1:2915	26239	-	100%

Fig.13. Model A2: The total forecast population of 26239 is that currently provided on the Shire's website. A simplistic comparison between the population forecast for the total Shire shown in fig.13 (26239) with that in fig.12 (23121) provides the basis for calculating changes in each ward. The forecast rate of population increase for each of the proposed wards when compared with the numbers in Fig.12 reveals the comparative range of possible deviations that could occur. In both models the population increase is concentrated on the urban ward which is predicted to possibly comprise up to 53% of the Shire's total population in 2016.

In Model A2, a balanced outcome could be achieved by significantly increasing the numbers in the Western Ward at the expense of the Central Ward. This would however, result in a reduction of the number of councillors from 2 to 1 in the central ward which may not be considered satisfactory.

On the basis of Model A1 this is a reasonable proposal but if the growth rate is as high as proposed in Model A2 then it becomes unreasonable. Realignment would need to be undertaken at the expense of the identified communities of interest factor in order to achieve simple balance in the ratios. Significant uncertainty exists over the four ward option and cannot be recommended.

***A copy of the 4 ward proposal detailed map is with attachments marked [OCM037.2/02/11](#).***

#### **OPTION B: Three Wards**

The second option includes only three wards. Using the primary criteria of communities of interest, the Shire could comprise three wards and maintain a balanced representation between councillors and electors and therefore with the community as a whole.

The scenario for a three ward structure is very similar to that applied to the four ward option. Removing the existing central and southern wards and creating a new southern ward is a reasonable option as the communities of interest appear to be closely aligned. The

traditional relationships between residents of the small towns and rural communities contribute significantly to this factor. In this option a large Southern Ward is created with a boundary abutting the southern boundary of the North West Ward and abutting the eastern boundary of the North (urban) Ward. This ward would effectively include all of the rural land within the Shire with the exception of rural residential land within the North West Ward (Darling Downs, Oakford and the township of Cardup). The townships of Mundijong, Serpentine, Jarrahdale and Keysbrook, surrounding localities and rural residential land would be included in the new Southern Ward.

WARDS –forecast growth	No of councillors	Population per councillor	Population	% ratio deviation	% of the total Shire population
North West Ward	2	1:2494	4988	-3.07%	21.6
North Ward	4	1:2636	10544	-2.54%	45.6
Southern Ward	3	1:2539	7589	+1.58%	32.8
<b>TOTAL SHIRE STATISTICS</b>	9	9:2569	23121	-	100

Fig.14 Model B1. As can be seen the balance in representation is within the limitations set by the LGAB.

WARDS	No of Councillors	Population per councillor	Population	% ratio deviation	% of the total Shire population
North-West Ward	2	1:2834	5669	+2.8%	21.6
North Ward	4	1:2991	11964	-2.6%	45.6
Southern Ward	3	1:2869	8606	+1.6%	32.8
<b>TOTAL SHIRE STATISTICS</b>	9	9:2915	26239		100

Fig.15 Model B2. Whether the total population reaches 26239 the balance in representation is retained providing the extent of growth is consistent with forecast expectations for each ward. There is no current evidence to show otherwise. The boundaries for the proposed wards do not align with existing location boundaries.

If this option is adopted it is more than likely that a review of the ward boundaries will **NOT** be required prior to the 2013 elections.

The option enables balanced representation at least for the 2011 elections and is therefore a reasonable option.

***A copy of the 3 ward proposal detailed map is with attachments marked [OCM037.3/02/11](#).***

### **OPTION C: No Wards**

A no ward option can prove to be advantageous to local governments that are approaching significant population growth but at uncertain levels. The disadvantages relating to a perceived loss of traditional community interaction may sit as the most significant obstacle to adopting a no-ward local government. Even in local governments where wards exist there can still be this same perception. Examples of this factor apply to most local governments that incorporate growth areas linked to the metropolitan region. The issue of whether to have

no wards or wards is therefore not necessarily one of maintaining community ownership but one of democratic representation to each eligible elector. In recent times the emphasis from the highest levels of government has been to engage elected members on strategic outcomes-

“The Minister for Local Government has stated that he wants Councils to act “more like a board of Directors” by focusing on long term strategy and planning...”.

Sections 2.7 and 2.10 of the Local Government Act 1995 (LGA), are consistent with that approach. Section 2.2(1)(d) of the LGA provides the opportunity to abolish any or all wards within a local government district.

Almost 50% of local governments in Western Australia are operating successfully without wards. Four of the 29 Councils in the metropolitan region and over 67 of the country shires are effectively operating without wards. There are numerous practical reasons for this approach but perhaps the most significant one is that it is clearly suitable where there is uncertainty in population growth as is occurring in the Shire of Serpentine-Jarrahdale. As stated by the Local Government Advisory Board, a no ward system increases the practice of members representing the whole of their community and not just a local area. The role of Councillors as stated in s.2.10(a) of the LGA is to: “Represent the interests of electors, ratepayers and residents of the district;”

A no ward structure is seen as an effective approach towards maintaining concerted high level or strategic management when it is required. The Minister for Local Government also stated that he supported the majority of the 25 recommendations of the Local Government Reform Steering Committee Report of May 2010 including a key recommendation of “Introducing a requirement for local governments to engage with their communities and to prepare long term strategic community plans and corporate business plans”. The intention being that everyone within a local government district is therefore well represented in a contemporary community and not unreasonably disenfranchised through a sense of lack of representation on council. Whether there are wards or not, the role of councillors is increasingly one that involves whole of community representation.

Social networks and communities of interest are often spread across a district and elected members can have an effective overview of these structures. The Shire of Serpentine-Jarrahdale is developing into a new community and the relationships between new and existing groups relies upon elected members using their specialty skills and knowledge for the benefit of the whole community. Rather than see urban development as adversely affecting current social structures the no ward representation can actually facilitate broader community growth and social cohesiveness.

The uncertain level of actual growth in population impacts on the representation ratios of elected members to electors (and the community as a whole). A no ward structure removes any need for concern over imbalanced representation and the obligation to conduct another ward review in the near future.

There are two main viable options available to the Council that, based on the statistical data, ensure balanced representation up until the 2013 elections;

- Option 1- abolish the four wards and decide to change to a no ward structure; or
- Option 2- abolish the four wards and establish a three ward structure.

The four ward option is not viable for the reasons stated above.

If Council resolved to establish a three ward structure, serious consideration will need to be given to declaring all positions vacant and holding elections for all new positions in the new

wards. This is because of the proposed changes that need to occur to the wards may mean that the member that was elected to represent a certain section of the community (community of interest for that elected member) may no longer represent that ward. In addition, translation from one ward to another will be difficult, if not impossible, as the 3 ward option is not reducing the number of wards by combining 2 wards into one, but is creating 3 new wards with totally different boundaries to the current ward structure.

As previously stated, the no ward model is the preferred position of the Department of Local Government as it enables the elected members to focus on managing for the district rather than their local area, thus promoting strategic rather than operational thinking at the Council level. A change like this is significant and can have a dramatic effect on the makeup of a Council if the majority of the population is in one locality, potentially leading the Council to focus on a particular area rather than the whole district, if the majority of elected members come from the populated area. Although nearly 50% of the Local Governments in WA do not have a ward structure, in the metropolitan area, only 4 of the 29 Councils operate without wards. The trend therefore is that metropolitan based Councils retain the ward system.

As indicated above the Local Government Act 1995 does require local governments to review their ward boundaries at least every eight years. Council last undertook a review in 2004. Whatever is put in place today can be reviewed and modified in the future. The main aim has been to consider what factors may influence the community over the next eight years that could ensure that pressures do not occur before then, and will facilitate any future adjustments that may be required at that time.

Based on the above, it is recommended that the Council adopt Option 2, abolish the four wards and create a three ward structure as follows;

- North West Ward, consisting of the localities of Darling Downs, Oakford and Cardup with 2 elected members.
- North Ward, consisting of the locality of Byford with 4 elected members.
- Southern Ward, consisting of the localities of Mundijong, Whitby, Jarrahdale, Serpentine, Hopelands, Keysbrook, Mardella and Karrakup with 3 elected members.

This provides for the Council to reduce the number of elected members from 10 to 9 in accordance with the Shire's reform submission that was lodged with the Department of Local Government in 2009. Further, it is recommended that the Shire declare all positions vacant at the next ordinary election in October 2011 with 5 vacancies subject to a 4 year term (ie expiry in 2015) and 4 vacancies be subject to a 2 year term (ie expiry 2013) for the reasons outlined above.

Should council decide to adopt the alternative scenario, ie the no ward option, the recommended resolution would be as follows;

That Council;

- 1) acknowledges the submissions received for the ward review; and
- 2) recommends to the Local Government Advisory Board that an order be made under section 2.2(1) (d) of the Local Government Act 1995 that the Governor, on the recommendation of the Minister, make an order abolishing all of the wards into which the Shire of Serpentine Jarrahdale is divided;
- 3) recommends to the Local Government Advisory Board that the proposed changes are to be effective from the bi-annual Local Government Elections to be conducted in October 2011; and
- 4) recommends that all offices of councillor be declared vacant with all ten councillors concluding their terms at the next ordinary elections and elections are held for nine vacant positions;

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**OCM037/02/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Buttfield**

**That Council:**

- 1. Acknowledges the submissions received for the ward review.**
- 2. Recommends an order be made under s2.2(1) of the Local Government Act 1995 to abolish the existing ward boundaries and divide the district into three wards with boundaries as detailed in the map (*Attachment OCM037.3/02/11*).**
- 3. Recommends an order be made under s2.3 to name the three wards North, North West and Southern (as detailed in the map referred to in (2)).**
- 4. Recommends an order be made under s2.18 to designate the following number of offices of councillor for each ward: North (4); North-West (2) and Southern (3).**
- 5. Recommends that all offices of councillor be declared vacant with all ten councillors concluding their terms at the next ordinary elections and elections are held for nine vacant positions.**

**CARRIED 7/3**

**ABSOLUTE MAJORITY**

**Cr Harris foreshadowed the No Ward Option (Option 1) if the motion under debate is defeated.**

**Cr Ellis foreshadowed the 3 ward option with 5 Councillors remaining for positions being declared vacant, if the motion under debate and the previously foreshadowed motion were defeated.**

**10. CHIEF EXECUTIVE OFFICERS REPORT:**

OCM038/02/11		INFORMATION REPORT	
Proponent	Not applicable	In Brief Information Report.	
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	24 February 2011		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

## OCM038.1/02/11 COMMON SEAL REGISTER REPORT – DECEMBER 2010

The Common Seal Register Report for the month of December 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM038.1/02/11](#)**.

## OCM038.2/02/11 POLICY FORUM – 1 FEBRUARY 2011

The following items were discussed at the 1<sup>st</sup> February 2011 Policy Forum:

Updates on Mundijong/Whitby District Structure Plan and Byford Town Centre
Dedicated Policy Development Committee
Briefing on Peel Away the Mask
Plan for the Future discussions
Introduction of Local Structure Plan for Lot 9050 Thomas Road, Byford. Presenter – GG Corp
SAT proceedings – Keysbrook mineral sands
SAT proceedings – Hungry Jack's
Updates on major local structure plans (Lot 2, Marri Park, Urban Pacific, Redgum North, Lot 806, Mixed Business Area on South West Hwy
Water Corporation – Briefing from Perth Regional Business Manager, Peter Armanasco
8 new and updated local planning policies

## OCM038.3/02/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 9 FEBRUARY 2011.(A1164-02)

***In the attachments marked [OCM038.3/02/11](#) (IN11/1900) is the minutes of the South East Metropolitan Zone Meeting held on 9 February 2011.***

## OCM038.4/02/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 10 FEBRUARY 2011. (A1164-02)

***In the attachments marked [OCM038.4/02/11](#) (IN11/2020) is the minutes of the Peel Zone Meeting held on 10 February 2011.***

OCM038.5/02/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL SUMMARY MINUTES – 18 FEBRUARY 2011 (A1164-02)

***In the electronic attachments marked [OCM038.5/02/11](#) (IN11/1579) is the summary minutes of the WALGA State Council meeting held on 18 February 2011.***

**OCM038/02/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Harris  
The Information Report to 24 February 2011 is received.  
CARRIED 10/0

**11. URGENT BUSINESS:**

Nil

**12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**13. CLOSURE:**

There being no further business, the meeting closed at 11.10pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 28 March 2011.

.....  
Presiding Member

.....  
Date

**14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD077/02/11 LOT 2 SOUTH WESTERN HIGHWAY (CNR NETTLETON ROAD) BYFORD LOCAL STRUCTURE PLAN – FINAL ADOPTION		
Proponent:	Aspen Group Pty Ltd	In Brief  The WAPC has approved the Local Structure Plan for Lot 2 South Western Highway, Byford.  The final proposed Local Structure Plan is presented to Council for final adoption.
Owner:	Aspen Development Fund No. 2 Ltd	
Author:	Colleen Murphy – Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 January 2011	
Previously	SD145/06/10 and SD070/12/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD077/02/11 Committee Decision/Officer Recommended Resolution:**

That Council pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed Local Structure Plan for Lot 2 South Western Highway (cnr Nettleton Road) Byford.

**CARRIED 7/0**

SD084/02/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 17 January 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	21 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD084/02/11 Committee Decision/Officer Recommended Resolution:**

That Council accept the Strategic Community Planning Information Report.

**CARRIED 7/0**

SD085/02/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 17 January 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	17 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD085/02/11 Committee Decision/Officer Recommended Resolution:**

**That Council accept the Information Report.**  
**CARRIED 7/0**

CGAM037/02/11 MONTHLY FINANCIAL REPORT – JANUARY 2011 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  To receive the January 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**CGAM037/02/11 Committee Decision/Officer Recommended Resolution:**

**That Council receives the Monthly Financial Report for January 2011, in accordance with Section 6.4 of the Local Government Act 1995.**  
**CARRIED 7/0**

CGAM038/02/11 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief  To confirm the creditor payments made during the period 24 December 2010 to 25 January 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM038/02/11 Committee Decision/Officer Recommended Resolution:**

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 24 December 2010 to 25 January 2011, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
**CARRIED 7/0**

CGAM043/02/11 INFORMATION REPORT		
Proponent:	Not Applicable	In Brief  To receive the information report to 20 January 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	17 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM043/02/11 Committee Decision/Officer Recommended Resolution:**

That the Information Report to 20 January 2011 be received.  
**CARRIED 7/0**

- NOTE:
- The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
  - Declaration of Councillors and Officers Interest is made at the time the item is discussed.